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ISSUES RELATING TO THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

HEARING

BEFORE THE

SUBCOMMITTEE ON TERRORISM, NARCOTICS AND INTERNATIONAL OPERATIONS

OF THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

SECOND SESSION

DECEMBER 5, 1988

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ISSUES RELATING TO THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

MONDAY, DECEMBER 5, 1988

U.S. SENATE,
SUBCOMMITTEE ON TERRORISM, NARCOTICS AND
INTERNATIONAL OPERATIONS
OF THE COMMITTEE ON FOREIGN RELATIONS,
Boston, MA.

The subcommittee met, pursuant to notice, at 9:30 a.m., in conference rooms 1, 2, and 3, State Transportation Building, 10 Park Plaza, Boston, MA, Hon. John F. Kerry (chairman of the subcommittee) presiding.

Present: Senator Kerry.

Also present: Dr. Deborah Prothrow-Stith, Commissioner of Massachusetts Department of Public Health; and Elaine Binder, Executive Director, B'nai B'rith Women.

Senator KERRY. The hearing will come to order.

Thank you all very much for your patience. The truck which delivers the sound system unfortunately broke down, so we are slightly delayed, and I thank you very much for your patience.

I want to thank all of you for attending this field hearing of the Foreign Relations Committee being held under the auspices of the Subcommittee on Terrorism, Narcotics and International Operations, of which I am chairman.

I want to say that this has been an effort some time in the making, as some of you know, and I am grateful for your patience and forbearance bringing us to this moment. We finally decided we would schedule it sometime during a period when we were not in session in the Senate to avoid potential conflicts with votes or markups.

I want to thank Chairman Claiborne Pell for his willingness to permit the Foreign Relations Committee to hold this field hearing here in Boston today. I think for all of us it is important to state that these kinds of field hearings are not mere political exercises; they are really helpful, in that they provide a foundation of testimony of practitioners and people involved in these issues which can then be provided committee members, this hearing record will provide us with a record, which is the beginning of the larger process of convincing my colleagues and others of the importance of this kind of convention.

The process for ratification of a treaty or a convention is never easy. It is in fact harder in some instances than the passage of

mere legislation because it must have the support of two-thirds of the Members of the Senate rather than a simple majority. In addition to that, treaties have often had a history of difficulties because of the ability of one, two, three, or a small group of Senators to delay the process.

It took us 27 years to pass the genocide convention, which we finally ratified last year. Clearly, there is nobody in this room, and I assure you this Senator would not be satisfied with the notion that a treaty like this should have to take us that long to ratify.

But as all of us know, good leadership has the ability to create the time, and if you do not hold hearings, if you do not make an effort to try to change people's consciousness, the time tends to be later rather than sooner, and never now as it ought to be.

This convention was negotiated during a prior administration. It was passed by the United Nations in 1979, and signed by the United States in 1980. It seeks to create such controversial equities as equal rights for women, equal access to education, and the same choices between sexes of curriculums. It seeks to have nondiscrimination, obviously, in employment and pay. It raises the questions of equity in pay. It seeks job security for women in the event of marriage or in the event of maternity. It promotes the establishment and development of the network of child care facilities, something which, as we all know, is increasingly at the forefront of the agenda today.

It seeks nondiscrimination in health services, including those related to family planning, and equal access to bank loans, mortgages, credit, and so forth.

To many of us it is astonishing that such equities should not be easily and quickly and immediately ratified overwhelmingly. It is interesting to notice that as of December 1, 1988, 94 nations have signed the treaty, and 74 of those 94 countries have actually ratified it. We are at this point 1 of some 80-member nations of the United Nations that, as of this moment, have not seen fit to ratify it.

And I thought I would just share with you for a moment, because I always find it intriguing how some of our closest allies respond: Australia has ratified it; Argentina has ratified it; Canada, our good neighbor to the north, has ratified it; France has ratified it. Germany, Greece, Ireland, Israel, Italy, Japan, Mexico, Norway, Spain, Sweden, Switzerland, the Philippines, our closest allies have seen fit to already not only sign it but ratify it, and many who are not our allies, have ratified it from Nicaragua to the Soviet Union, and even a country as questionable these days as Panama has seen fit to ratify it.

So, that is the reason that I am delighted to be able to hold what is the first field hearing in the Nation on this matter. It is my hope that by hearing from two distinguished panels of very qualified witnesses who have a number of different views they will share with us today, that we will be able to heighten awareness of this treaty and understanding of what it seeks to do, and most importantly of all, the reasons why it is so important to pass it.

Now, I do not want to pretend to you that because you have a field hearing the process somehow becomes easier. As this hearing

will show, there are clearly questions, and many of them very legitimate ones, that need to be answered.

No treaty can be inconsistent with American law because when you pass a treaty it becomes law. It clearly is difficult to enact contradictory laws. So, there is room conceivably for further definition and for further clarification as to certain provisions. However, the State Department, when it originally transmitted the convention by executive letter to the Senate for ratification suggested to us that all of the questions raised by this treaty could be dealt with through reservations and declarations, which are a normal part of the treaty ratification process. The Senate can state its understanding and its acceptance of certain provisions, so that it does not conflict with U.S. law and so that it is clear how we will interpret particular sections of it.

One example, for instance, certain forms of discrimination are prohibited by the Federal Government insomuch as they apply to State action or governmental action. Yet we in the United States do not in fact have laws that prohibit certain kinds of discrimination with respect to private entities. So, the question is, if you have a universal declaration about nondiscrimination, how can it go further than U.S. law in fact goes.

So, you would have to have a clarification as to those kinds of issues, and I am sure that our panel will address those kinds of issues and set forth adequate reasons why you ought to even go further than U.S. law, and that is another reason we are holding this hearing.

I am joined here on the dais by two distinguished individuals, both of whom are qualified not only to testify but to help ask questions with respect to this matter. Dr. Prothrow-Stith, sitting to my right, is known by many of you. She is the Commissioner of the Department of Health, appointed by Governor Dukakis. She was appointed to the department of public health, and was originally an associate. She has done a lot of——

Dr. PROTHROW-STITH. I thought I was learning something here I did not know. [Laughter.]

Senator KERRY. We have a lot of power in the Senate, but we cannot change your appointment, nor do we want to try to change it.

She has focused on a number of health care issues, including the problem of AIDS, adolescent health care, infant mortality, as well as the access and quality of health care for the poor. She attended the conference in Nairobi on the Decade of Women where, incidentally, the treaty that we are discussing today was under much discussion, and I am delighted to have her join us here from a career that has included assistant professor of medicine at Boston University and staff physician at the Boston City Hospital. And she is a commissioner. [Laughter.]

Elaine Binder joins us in an important role because B'nai B'rith has been really a key in trying to keep this issue alive and to put it on the front burner. She is the Executive Director of the B'nai B'rith Women based in Washington, DC. She has been very active in this effort. It is a 120,000-member national organization.

In addition to that service, she was formerly the administrative director of the American Association of University Women, former

president of Montgomery County Commission for Women, and has served on the Montgomery County Human Relations Commission.

Now, our first panel. What we are going to do is go through the full testimony of the panel and then ask questions afterward rather than asking after each individual, and then we will have the second panel up.

The first panel we will hear from Mayra Rodriguez-Howard, who is the Northeast Regional Office Director of the Executive Office of Human Services in Lawrence, MA. She will testify on access to economic and social benefits, particularly in the minority community.

We will hear from Paula Rayman, the Research Director at the Stone Center at Wellesley College. She will testify on women in the workforce.

We will hear from Margaret McKenna, who is president of Lesley College in Cambridge, and she will testify on equality in education for women.

And we will hear from Judith Nelson Dilday, who is an attorney and vice president of the Massachusetts Women's Bar Association, who will testify on equality in law for women.

If I may just quickly say a word about each of our panelists, Dr. Rayman, as I said, is the director at Stone Center. Her field of research includes sociology of work, women's studies, gerontology, and social movements. She has published a number of papers, made presentations on topics such as "The Meaning of Work for Women," "Women, Older Workers, and Unemployment," and "Women's Lives and Unemployment: The Crisis in Public and Private Spheres," just to name a few.

We will hear afterward from Mayra Rodriguez-Howard, who is, as I said, the Northeast regional director. She has also served as director of the Massachusetts Commission on Hispanic Affairs, the assistant director of Admissions and Minority Recruitment at B.U., at the School of Social Work, and she also serves as an assistant clinical professor there.

In addition, she is the chair of the Hispanic Leadership Development Project and currently the cohost of "Aqui" on channel 5.

President McKenna, I think, is known to all of you. She was recently inaugurated as the third president of Lesley College. Prior to that she served as vice president for program planning at Radcliffe and is the director of that college's Bunting Institute. Her leadership in the field of education was recognized by President Carter, who appointed her as Deputy Under Secretary of the Department of Education after she had served as a Deputy Counsel. She is also trained as a civil rights lawyer and began her professional career as a trial attorney at the U.S. Department of Justice.

Finally, Attorney Judith Nelson Dilday, as I said, is vice president of the Women's Bar Association, currently the assistant general counsel for the MBTA. Prior to that she practiced in her own law firm, an active life that I am familiar with. She served as an attorney in the office of the Solicitor of the Department of Interior, an associate at Stern & Shapiro, the Massachusetts Bar Association, and the Suffolk County District Attorney's Office. And she also, incidentally, attended the United Nations Conference, and I think can shed important light on it.

I would like to step out of the sequence for one instant, if I can. I would like the record show that these comments will be placed prior to the testimony so there will not be an interruption, but I would like to ask both my codais participants if they would also share in a few opening observations.

STATEMENT OF ELAINE BINDER, EXECUTIVE DIRECTOR, B'NAI B'RITH WOMEN, WASHINGTON, DC

Ms. BINDER. I was asked to speak to you today about the work that B'nai B'rith Women has done for this convention, and so I would like to address my remarks to that.

B'nai B'rith Women is an international Jewish women's organization with, as Senator Kerry said, 120,000 members in the United States and Canada. We have an educational advocacy and philanthropic mission, and one of our priority goals is advocacy for women. B'nai B'rith Women leaders were also in Nairobi, and when we returned from that conference in 1985, we decided that we would spearhead the drive for ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women. This convention is part of the forwardlooking strategies adopted by consensus of those attending the United Nations End Decade Conference.

We developed a four-point strategy: The first, to inform women's and human rights groups about the issues of the treaty. To take our case to Capitol Hill was our second point. We then wanted to initiate a grassroots education campaign; and finally, to garner the support of other influential organizations and associations.

On October 25, United Nations Day, in 1985, B'nai B'rith Women held a day-long briefing on the issues of the treaty for representatives of 19 women's rights and human rights organizations representing over 3 million people. Shortly thereafter, we began to contact members of the Senate Foreign Relations Committee and others to press our case on Capitol Hill.

Senator Kerry, and we are grateful to him, and Senator Alan Cranston of California were very receptive. Others were not.

We launched a grassroots education campaign by preparing an action packet that contained sample letters to the editor, a sample proclamation for local mayors, and a sample letter to Senator Foreign Relations Committee members. We also developed a booklet that I have here, outlining the history of the convention and the steps that need to be taken to get it ratified.

The packet was distributed broadly to the B'nai B'rith Women members and to other organizations.

The stage was then set for seeking endorsements for the treaty. The American Bar Association was already on record as being in support. Among the other organizations that have endorsed this treaty are the American Association of University Women, Americans for Democratic Action, the American Federation of Teachers, the National Education Association, the United States Conference of Mayors, and the Leadership Conference of Major Jewish Women's Organizations, and that is only a few of the organizations that have endorsed this treaty.

Despite this, it became clear that there was not sufficient support on Capitol Hill, and so we formulated a new strategy. Because the information had been disseminated to the field and grassroots groups were ready to go, we thought hearings on the State level would build on the support that we so clearly have. We are very grateful to Senator Kerry to launching this effort and holding this first of many, we hope, field hearings.

It is time for the United States to join the 74 countries that have endorsed this international bill of rights for women. The hearing is the first of its kind, and we hope it will build the network of support that we have begun. It is extremely important for the groups that are present in this room and those that are not to return to their constituencies and press for the treaty to be ratified.

B'nai B'rith Women is in it for the long haul. As Senator Kerry said, it took over 25 years for the Genocide Treaty to pass, and we will not stop until this treaty is ratified by the Senate Foreign Relations Committee.

Thank you.

[Applause.]

Senator KERRY. Dr. Prothrow-Stith.

STATEMENT OF DR. DEBORAH PROTHROW-STITH, COMMISSIONER, MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH

Dr. PROTHROW-STITH. First of all, let me say good morning and add my thanks to you, Senator Kerry, and your staff, for organizing this hearing. This is a bit out of form, but I am going to ask the audience to join me in a round of applause for the Senator and his staff.

[Applause.]

Senator KERRY. You will force me to rule you out of order. [Laughter.]

Dr. PROTHROW-STITH. To show you how much we appreciate your leadership on this and your willingness to see this through the Senate, we heard you qualify it because we know it is difficult, but your willingness to hold hearings and to actually usher this through is so meaningful to us.

I had, in addition to the opportunity to attend the Women's Conference, the opportunity to tour the country of Mozambique very recently, and I was quite impressed and a little bit embarrassed that this struggling country, under attack by South Africa, relatively poor, particularly compared to the United States, had in its constitution not only the ERA but universal health care.

So, I know that within the context of this country, we have a ways to go, and again, I appreciate your leadership. Obviously my support for the overall treaty is important to express here. I do want to point out that article 12, which deals with the issues of health, particularly the elimination of discrimination against women in the field of health care services, including family planning, is a very important part of this treaty. It addresses the issues of infant mortality, of access to health care, and in particular, the issue of family planning.

So, as Commissioner of Public Health, the article 12 of this treaty is particularly important. So, I want to express support there.

Just as a closing comment, very recently I was in a meeting of hospital boards, and one chair of a board of a hospital in a town not far from Boston stood up and said that he thought that his board was representative of the town and had problems with our accusation that it was not. I pointed out to him that they had no women on their board, and while I did not know the demographics of his town. [Laughter.]

I could almost be assured that that was not representative of the town.

We have, in addition to some very concrete legal education and health care issues, an overall attitude issue that is very much a part of the testimony here today in our efforts to get this treaty passed.

So, thank you. We have an impressive audience here. there are women out there who are quite powerful, and I thank you, and again you, Senator Kerry.

[Applause.]

Senator KERRY. Thank you very much, Doctor.

And I am delighted to welcome all of our witnesses here. We appreciate your being here, and we will turn first of all to Ms. Rayman.

STATEMENT OF MS. PAULA RAYMAN, RESEARCH PROGRAM DIRECTOR, THE STONE CENTER, WELLESLEY COLLEGE, WELLESLEY, MA

Ms. RAYMAN. Senator Kerry and distinguished members of the panel, I would like to thank, first of all, Senator Kerry for the opportunity to speak with you at this field hearing in support of the effort to ensure the U.S. ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.

While my focus this morning is on the article 11 of the convention which concerns issues of women and work, it is clear that the various economic, political, and social topics to be discussed throughout this morning's hearing are closely interwoven. From the onset, therefore, let us remember that the private and public dimensions of women's lives are inevitably connected.

Reading article 11 was a bittersweet experience for me, bitter because it is deeply discouraging to realize that in this year of 1988, that one, the right to work as an inalienable right for women and all human beings; two, the right to the same employment opportunities; three, the right to free choice of employment, promotion, job security, job training; four, the right to equal remuneration; five, the right to Social Security, pensions and paid leave; and six, the right to a safe work place, safeguarding against reproductive hazards and sex discrimination—all of these rights today do not exist for women in our own home State of Massachusetts, nor in Morocco; in the State of California, nor in Colombia; in the rest of our Nation, nor in any other country of the world.

For those of us who have continued to strive for civil rights and social justice for all members of our society, it is painful to recognize how far we have yet to go to end discrimination against women.

But it was also a taste of honey to read article 11 which so emphatically declared what are rights for women and not privileges: The right to livelihood, the right to equal access and to healthy and secure workplaces. Article 11 offers all of us a guidepost of where we can move if we keep our eye on the prize of economic justice for women.

We have very many harsh realities to overcome. These realities exist within a transnational economic order, and thus, the following facts move us from the local to global perspective. They are meant to highlight economic truths for women, and I start with some statistics from our State of Massachusetts.

Nearly 70 percent of all women ages 16 to 64 are in paid employment in our State. Over 50 percent of women with children as young as 1 year of age are today in the labor market in Massachusetts. This is a new statistic. Single parent heads of household with children under 6 years of age spend 17 percent of their total income on child care. Family day care costs in Massachusetts average $115 a week.

Over 90 percent of single heads of households are women. More than 40 percent of full-time child care workers in our State earn less than $5 an hour. Nearly one-half, or 47.4 percent, of women 65 years and older report annual incomes below $4,000 compared to 18 percent of men. Older women of color fare worse, with 53 percent of black older women and 62 percent of Latino women reporting incomes below $4,000 annually. The Gray Panthers of Massachusetts reported that in February 1988 in the Commonwealth, 15,000 hours of home care services went undelivered because of lack of home care providers.

I move now to the national level statistics. Fifty-eight percent of married women and 64 percent of all single women with children ages 3 to 5 have paid employment. Seventy-six percent of all single women with children ages 6 to 17 are in the workforce. Only 2.4 percent of all workers in the United States live in States requiring job protected leaves for childbirth. Ninety percent of women in the United States are labor segregated in only 10 occupations in our national economy.

The Institute for Policy Research reported for a congressional hearing that the lack of parental leave provisions cost taxpayers $607 million in lost earnings and $108 million in public assistance costs. Almost half of all working women have no pensions or pension plans. For those who have pensions, very few are portable to new workplaces.

On the global level, in the microelectronics industry as an example of a transnational assembly plant operation, offshore expansion grew so rapidly in the last decade that foreign subsidiaries of U.S. firms employed equal numbers than were employed domestically. Over 80 percent of production workers in this industry here and abroad are women.

Eighty-one point six percent of women in India remain illiterate. At least one-third of all households around the world are headed by

a woman. Sexual trafficking of women of color is rapidly expanding in multinational countries throughout the world, and women are increasingly forced into prostitution as a way for economic survival.

What do we learn from a few of these highlighted facts above? One, women the world over are united in facing the social construction of gender. They confront a gender-based system of economic vulnerability.

Two, we live in a society of prevailing old myths in spite of the new realities concerning women and work. Institutionally, locally, nationally, globally, we have failed to meet the challenge of the new shape of family life. The issue today is not only if there is a chicken in every pot, but who has time to cook the chicken? [Laughter.]

Three, gender is one factor that divides us in our society, but there is also the important issue of diversity among women. Women of color, handicapped women, lesbian women, women of different classes and ethnic backgrounds, and finally, lifespan issues are central to women's economic experiences.

Young women are often single heads of households, segregated early on in their work lives to relatively low-paying, low-mobility jobs. Midlife women face increasingly dual obligations of child care and elder care. From 1940 to 1980, for instance, the percentage of women whose mothers were alive rose from 37 to 65 percent, which is wonderful for all of us to have our mothers but increases our responsibilities for both the young and the elderly. Older women are the most impoverished group, exacerbated by pervasive age discrimination in our culture.

So, what do we do to get a taste of honey today, to empower us not only to push for the ratification of this significant convention, but allow all the propositions in article 11 to come a reality?

Since I am an optimist by nature, I would like to end my testimony by offering some actions of hope which happily exist right here in the Commonwealth and deserve our attention and support.

I would like to recommend that we recognize and support the work of Representative Mary Jane Gibson on the employment leave bill which is just about to come out, which covers temporary disability and dependent care, including parental leave provisions, and hopefully we can incorporate in this bill extensions to elder care and ill-spouse dimensions.

We need to recognize and support the efforts of Senator Patricia McGovern and others who have supported the workplace education program in our State, a partnership among business, labor, and State government in reaching out to the unskilled, illiterate, and marginal women workers in our State and allow them to become, in the words of one woman adult learner who I interviewed as part of this project, she has become, she says, a part of America.

We need to recognize and support the work of Lt. Gov. Evelyn Murphy's Blueprint 2000 Committee work, particularly that work focusing in on family and work issues, and the Lieutenant Governor's particular concern on caregiving issues for women and their families.

We need to recognize and support the department of public health and its fine commissioner, and the recent report on family

work and health which examined reproductive hazards in the workplace and family care issues and how these issues are being approached by 200 Massachusetts companies in the chemical and electronics industries. This is a model for the kind of studies that we need to have done.

We need to recognize and support the work of the Massachusetts Association of Older Americans and many other groups and the work that they have been doing on the spousal impoverishment legislation in our State that addresses poverty issues of older women in the Commonwealth.

And we need to recognize and support the Coalition for Pay Equity and all the labor groups, civil rights groups, and women's organizations in our State who are working for improving job evaluation for Massachusetts State workers. We should also commend the city of Boston, which has committed itself to develop a study of pay equity.

I would like to thank Senator Kerry and his staff for gathering all of us here to support this ratification and to thank all of the women in the audience today who have come together. Years ago Sigmund Freud in his book "Civilization and Its Discontents" said there were two pillars necessary for human existence, love and work. However, he believed women's lives rested only on one of those pillars. [Laughter.]

We know this is not so. Over a century ago another woman knew it was not so, and I end with these words of Sojourner Truth: "The man over there says women need to be helped into carriages and lifted over ditches and have the best place everywhere, but nobody ever helps me get into carriages, cross over puddles, or gives me the best place, and ain't I a woman? I could work so much and eat as much as a man when I could get it, and ain't I a woman? I've borne 13 children, seen most of them sold into slavery, and when I cried out with my mother's grief and none but God heard me, and ain't I a woman?"

Thanks so much.

[Applause.]

Senator KERRY. Thank you very much for a terrific beginning and opening. We appreciate it.

Mayra, thank you for being patient, and I apologize to this panel for interrupting the flow. We look forward to hearing your testimony.

STATEMENT OF MAYRA RODRIGUEZ-HOWARD, NORTHEAST REGIONAL OFFICE DIRECTOR, EXECUTIVE OFFICE OF HUMAN SERVICES, DEPARTMENT OF SOCIAL SERVICES, LAWRENCE, MA

Ms. RODRIGUEZ-HOWARD. Thank you, Senator Kerry, thank you for giving me the opportunity of testifying at this historic hearing.

I want to congratulate you also on your initiative to get the Convention on the Elimination of All Forms of Discrimination Against Women ratified. This is a very exciting, comprehensive, and logical document, and my first gut reaction as I was reading it was one of amazement and shock that the United States was not one of the

countries that would immediately ratify it, that in fact, we would have to ratify something like this.

My second reaction was why am I surprised? When I think of access—I looked up the definition of "access" in the dictionary and it was ability to enter, approach, to get at. I immediately identified that as one of the major problems women have in this society, particularly minority women. In a culture where the expectation is still to have a male provider in the household, over 40 percent of the Hispanic households in Massachusetts are headed by females, and in this society, also, the primary providers are males.

There is a wage differential, as we all know, and of course, Latino women and minority women in particular are at a clear disadvantage.

Regardless of their skills, in a society that is moving toward higher skills, Latinas have a lower educational level and higher dropout rates. They translate into a life of poverty. And I have some statistics here that 15.5 percent dropout rates for, in this State, are Latino students, 10 percent for black students, and 5 percent for white students. And you know, there is always a struggle about defining dropout rates because if people say 50 percent, it would not surprise me.

Fifty percent of Latino people that start in the seventh grade will not finish high school, and that is just incredible.

In a society that is not providing adequate support for children of working parents, we not only find a high number of female heads of households in the Latino community, but also the very young children in our community with a lack of available day care services is serious, especially for the younger ages. With an average of three to four children per family, the Hispanic population has a fertility rate almost identical to that of white women in the forties and fifties, the baby boom era, and appears to be entering into our own baby boom.

And also, our women have a 22-year median age as compared to a 34 in the white population.

Latino women for the most part do not have access to rights and privileges offered to citizens in this society, let alone access to power. When we look at what gives us access to power, educational attendance, good jobs, et cetera, we lack all of those indicators.

And let me also add that even compared to white women, we do not fare as well, which is another differential that we have to take into consideration.

But how are we going to change this reality? And as I was thinking about what am I going to say here, this thought kept coming back to me all the time, and it was ratifying this is not going to be enough. We have to understand the history of why things are the way they are, and how are we going to change them?

In thinking about the history of Puerto Rico, as I understand it, when it was an agricultural society, females and males had different roles, but they were both of value, as important. And then came the wage earning, and there males were given money for their agricultural work, and then they had more power because that is how you got goods, and then when Puerto Rico became industrialized, in 15 years, the society went through an incredible transition that we were not prepared to face, women became wage

earners in industry, men did not have the skills to go into industry, so there was a complete change of roles in our families, everybody migrated to San Juan because there was nothing to do in the rural areas anymore. And then there was a forced migration, and the government had a big part of that, into New York.

And I say that because as I was thinking of this, why is it that the wage is so different? At least for Puerto Rico it is very clear how we changed, and yet we were never given a chance as a culture to adapt to these changes, and the male was still seen as the provider.

And we have to catch up and bring the reality up to date into the society and adapt to that reality if we are going to be able to make any changes.

And then the question is why do we need to do this? Why do we want this ratified? Why do we want to change this reality?

Well, one of the points in the convention is—and I really like that one. I was just amazed at reading it—anyway, my major point today is that we have to make an analysis of the needs of the society today, and what we need to do to make the changes necessary. Again, just ratifying this treaty, as important as it is, is not going to be enough. We could ratify it and nothing would change if we do not look at how are we going to implement this.

And we need this for the society in general to function better.

As I say, Hispanics are growing in numbers in Massachusetts. The labor force, the unemployment levels are very high. We need workers. We are going to start importing workers from other States and other countries, and in fact, we have a labor force here waiting to be developed, and we have to see Hispanics and Latino women as a resource to this country and to this State.

So, to finish, I want to say that women need to continue fighting for their rights, and Latino minority women need to become partners in that struggle. I was one of those people that used to say, when approached by white, middle-class females, why are Hispanic women struggling in the women's rights movements, and I would say Latino women and males are faring so badly in this country that I am Latino first—I am not changing my mind about Latino, but it is equally important to be a woman first, and you can be first at two things.

I am very proud that this State has so energetically been dealing with barriers of opportunities such as the illiteracy, teen pregnancy, and school dropouts. If I would have asked Michael Dukakis to select five things to overcome barriers to opportunity for Latinos and minorities, I would not have come up with a better five than he has.

I am very proud that this State has a woman Lieutenant Governor. There are many exciting things happening all across this State, but only an overarching sense of purpose and a clear sense of direction is going to help us achieve the goal of equality for women. It cannot be haphazard; it has to be all-encompassing, and it has to be national in scope and comprehensive in nature.

I want to second the recommendations mentioned before, and ahead of time I am going to second the recommendations that are going to come. I am sure that I am going to agree with all of them.

Most of all, and emphasizing at the first step, I want to recommend the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women.

Thank you.

Senator KERRY. President McKenna.

STATEMENT OF MARGARET McKENNA, PRESIDENT, LESLEY COLLEGE, CAMBRIDGE, MA

Ms. MCKENNA. Good morning, Senator Kerry. It is a pleasure to be here this morning.

My topic is discrimination against women in education. I will highlight issues in my remarks and then submit written testimony to you as well.

It is interesting for me to visit this issue again because I was in the Carter White House when we considered whether or not the treaty could go forward to the Senate for ratification. That was a long time ago, and several administrations later, all of the other party I note, who have not pushed this convention and treaty forward.

I remember in my role as a lawyer, multiple discussions with both the Justice Department and State Department on the legal ramifications of submitting this treaty. We spent a great deal of time coming to a comfort level with all of those lawyers saying that this was absolutely legally possible and permissible for the United States to do, and something that in 1979 and 1980 was the appropriate thing to do, at least on the part of the Carter administration.

I am pleased to consider this from a different perspective now. I do not have to worry about the legal ramifications anymore.

As an educator and as president of a historically women's college, one that produces a great many teachers and human service professionals, this is an area of great concern to me as well as to my colleagues and the elementary and middle school teachers we educate is of concern both to higher education level and the elementary and secondary school level as well.

Women, at first glance, have done pretty well in the educational system in the last decade. For example, nearly 22,000 professional degrees were awarded to women in 1983, compared with 14,400 in 1977. At the doctoral level, we have seen the number of women receiving the Ph. D. rise from 6,453 to 10,660 in 10 years. That represents significant change in the last decade. More than half of the people attending college today are women. And legislation enacted two decades ago, such as title IX providing for equality in athletic opportunities for women, and title II regarding vocational education have met with some success.

Nonetheless I would sound a warning that giving a woman a seat in a classroom does not necessarily create an educational environment that listens to female voices or validates our experiences.

In higher education 34 percent of women are in higher education today are in education, nursing, and health-related fields. Only 3 percent are majoring in the sciences.

To highlight science as a symbol consider that in high schools today roughly 10 percent of college-bound female seniors indicate

interest in pursuing a career in science. Conversely over one-third of the males in that age group pursue academic careers in the sciences.

These discrepancies begin early on. By fifth or sixth grade many girls have already decided psychologically the range of their opportunities. Even at the age of 10 or 11 a young girl will be able to predict how far she will go professionally and reveal her attitude about her future. Her expectations or lack of them will often have already been set.

What it takes to remedy a stunted sense of opportunity is not encouragement alone but rather reverse intervention to change her mind. She needs more than moral support.

What do we need to do about this? I would suggest a couple of basic needs, a number of which are addressed by this convention. The first is curriculum that goes beyond access issues to include girls and women models and girls' and women's experience.

Carol Gilligan, in a work we are all familiar with, "In a Different Voice," brought this to the forefront of the public mind. Her work reveals that most academic research on development of adolescents was in fact based only on boys, and that the male behavior became understood as the norm for what was appropriate and normal behavior for all adolescents—girls as well as boys.

This unfortunately is not an isolated experience in terms of research and in terms of curriculum. The effect of this on gender differences, can also apply to diversity in ethnic and cultural mixes in our schools. When we say that our education curriculum is value-neutral, that in essence means white, male, and Western because that is the value we bring into the classroom as reflected in our textbooks and our curriculums, and most importantly in our attitudes.

That attitude results in stereotypes and in steering. Why is it that young girls decide at the sixth grade level they can no longer do math or science? When they are in first, second, or third grade they can, and in most cases, they perform as well if not outperform boys in math and science. But by fifth or sixth grade they have slipped down the scale, and by high school they are performing significantly less well.

So, attitudes and stereotypes both in curriculum and in teaching are prevalent still as to both race and gender. This in turn, limits the role models and choices that girls have and women have therefore.

With respect to higher education, some of the things we might consider are those that would help women, especially adult learners. One is models. Today, in 1988, very few full professors in this country are women—and this is in a field which supposedly is the vehicle for women and for people of color to aspire to and to gain a leg up in the world.

If we look at the way adults are taught, we find a competitive and stereotypically male model. Recent research however suggests that women learn much better from a collaborative rather than competitive model. And what they also found is a serendipitous fact that so do men. One of the scholars in this area is a Lesley College faculty member who coauthored the book "Women's Ways of Knowing," that describes this research.

All this suggests that we need to look at both who teaches our young women and men, what kind of model they create, and what kind of curriculum is pursued and presented. Is it gender-free or at least gender-sensitive and race and gender sensitive? Also, we need to foster learning environments that are collaborative as opposed to competitive models.

If we are talking about adult women or adult students of any kind, and in this case, particularly women, how accessible is education, how affordable, what kind of day care we provide to adult students, what kind of hours is it available, and how much does it cost?

The majority of adult returning students are women who gave up higher education and returned, or never began higher education and now feel the need for it. They cannot—and it is not appropriate for them as adults—to learn at the same pace or in the same pedagogical forum, rigid system as 18-year-old students. Systems need to be responsive to new kinds of adult models if we are going in fact to be successful.

With regard to secondary and middle school issues the point is that support is not enough. Intervention in attitude and in the provision of counseling and guidance for girls at this age is vitally important. We also need to provide support for family planning and support for teenage mothers at this point. Those are the people we lose in this period of time.

I want you to go back to early childhood because it is in early childhood and preschool education as well, where attitudes are formed. In this country the younger the child, the less you are paid to teach that child; yet attitudes are set at an early age. I cannot think of a more important nor difficult job than teaching a group of 4- or 5-year-olds. Then, I have to ask, why is it that we do not value teaching and care of young children in this country?

It is interesting to note that as we go down the age spectrum of teaching the jobs become more and more significantly majority female occupations and, interestingly enough, are paid less. As we move up into higher education, we have significantly more men who are paid more.

If this is a country that supposedly values children, one would hope that we would value the people who teach those children and that they would have the training, education, and preparation to deal with being quality teachers and having quality learning transferred, and that they are trained to be sensitive to gender and race issues.

I would like to quote a colleague of mine across the street, Harvard President Derek Bok, who said that when he graduated from college, he had a choice. He was thinking about teaching and he was thinking about going to law school. At that time the choice was if he taught school he would make $3,400 a year and if he went to law school he would make $4,000.

Today, if one graduates from college and goes into teaching, one may receive between $18,000 and $20,000. If one graduated from law school and went to one of the major firms in Boston, you could expect to make $65,000.

I want also to caution that coed education does not always result in coequal education, even with access to the same teachers and

the same materials. Unfortunately, women are not equal in a classroom, whether taught by women or men. Studies have shown that girls and women do not speak out as often, are not looked at by teachers as often, and the materials, as I said, are not gender neutral.

I believe that this convention is one that is long overdue. It is important in terms of its content, and it is important in terms of attitude; in what it shows about us as a country.

We have heard a lot about the value we place on children and families in this country in the last political campaign. But in terms of how important families really are reality and rhetoric differ. It is an embarrassment to go out and speak to other people from almost all other industrialized countries as to what we do to really support families and children in this country. I believe that education is a primary change agent. And if we can put resources and time and energy into providing the kinds of education that girls and boys and women and men need to have both in terms of the substance that they learn and the attitudes they develop as young adults, then we can create the kind of leverage we need to change; to value children, families, and primary caretakers, and to put the status of women where it needs to be.

Thank you.

[Applause.]

Senator KERRY. Thank you.

Attorney Judith Nelson Dilday.

STATEMENT OF JUDITH NELSON DILDAY, VICE PRESIDENT, WOMEN'S BAR ASSOCIATION, BOSTON, MA

Ms. DILDAY. Senator Kerry, Dr. Prothrow-Stith, Elaine Binder, panelists and members of the audience, I am just delighted to represent the Women's Bar Association at this Senate Foreign Relations Committee field hearing.

The Women's Bar Association has about 1,200 Massachusetts lawyers as its members, and we work very hard to advance civil rights, and particularly, the rights of women. We urge the Senate to give advice and consent to ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women. There have been many other international conventions concerning the rights of women prior to this convention, and the United States has always lagged far behind other progressive and nonprogressive nations in the number of these treaties signed and ratified.

It is time. The conventions are important in providing basic concepts and a framework for necessary legislative actions. Governments which ratify conventions in principle agree to be legally bound by the terms of each covenant and to take specific actions to comply with their provisions.

According to Ruth Sivard in her "Women, A World Survey," over the postwar period, and particularly in the last decade, there has been a significant change in laws affecting women's rights and status. Most countries have already moved to establish constitutional or legislative provisions asserting the equality of the sexes and guaranteeing equal rights to both women and men. Constitu-

tions and laws have been changed to define the scope and content of sexual equality. Currently, the emphasis is on translating these principles into programs that can redress centuries of discrimination.

The objectives are both to correct laws and practices that are discriminatory and to promote equality in an affirmative way, especially to alleviate or ameliorate the conditions of the most disadvantaged.

Women are not oppressed by nature or by God or even divine law. We are oppressed by manmade societies.

The United States must take a positive role in bringing down the barriers to opportunity that exist in all societies. We need to ratify this treaty and focus public attention on the imbalance in current laws in order to ensure the recognition in law and in faith of the principle of equality of men and women.

Now, as we said earlier, I as well as some of the other women in this room participated in the United Nations Conference in Nairobi at the end of the Decade of Women. The stated goals of that decade were equality, development, and peace. We were made aware at that time, and over and over again, that women made up 50 percent of the world's adult population, and 30 percent of the world's workforce. However, they performed 60 percent of the world's work and earned 10 percent of the income, but also owned only .01 percent of the world's property. The discrepancy in these statistics is due to laws and customs that discriminate against women.

I might also add that women produce all of the world's workers. [Applause.]

The cause of peace and the full and complete development of any country and the welfare of the world require the maximum participation of women on equal terms with men. We cannot afford to ignore so much talent.

My appearance today is to speak specifically about article 15 of this treaty. Article 15 states that states parties shall accord to women equality with men before the law. It states parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

States parties agree that all contracts and other private instruments of any kind with legal effect which are directed at restricting the legal capacity of women shall be deemed null and void.

States parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Now, President Carter's letter of transmittal to the Senate dated November 12, 1980, indicates that the great majority of the substantive provisions of the convention are consistent with the letter and spirit of the existing U.S. Constitution and other laws. Also, it indicates that the Department of State and Department of Justice indicate that with the adoption of certain qualifications and maybe appropriate implemented legislation, there are no constitutional or other legal obstacles to United States ratification of this treaty.

Why is it that 94 other nations have signed and 74 have ratified, and we are still only among the signatories?

In Massachusetts the equal rights amendment was ratified on November 2, 1976. In 1975, a special study commission was established by the Massachusetts General Court to review State statutes and recommend changes which would bring Massachusetts statutes into conformity with the mandates of the Federal and State ERA's.

In view of this fact, the convention would have little effect on the actual laws of the State of Massachusetts. However, in practice there are still a lot of vestiges of the old common law. We have not sufficiently addressed the issues of violence against women or women's access to the legal system, to name two.

In some countries, however, women have the status of minors. They cannot transact any business, write a check, open a bank account, get appropriate health care or make a contract without the permission and/or participation of a husband, son, or male relative. Article 15 deals with this problem in section 2.

Patterns of landholding in many societies are biased against women. Inheritance laws and systems of community property ensure that women do not get fair treatment. In countries where land passes from one male relative to another, a widow does not even inherit her own house when her husband dies. She can be evicted and have all of her possessions taken from her by her brother-in-law who then may or may not have the resources or the desire to support her and her children. Article 15 addresses this issue in section 2.

Support of the convention will increase efforts to make family law more equitable with regard to inheritance.

Duality in legal systems and the artificial distinctions between public and private lives serve to discriminate against women. These evils are addressed by the convention, article 15, section 1.

What I am saying is many countries have more than one body of law used to implement justice. This usually stems from a system of colonization of countries who already had legal systems and customs in place. The colonizers imposed their system of laws in the public or civil sphere but often allowed precolonial laws and customs to be used in the so-called private sphere which relates to marriage, divorce, inheritance, and family law.

These dual systems are further complicated by the existence of several bodies of religious laws and customs. Generally, men who are better educated and have more access to legal advice, forum shop among the myriad legal systems to find the one system that is most beneficial in a given situation. The laws are written by men for the benefit of men and their dominance over women, and the result is that women usually lose out.

Changes in the constitutions of these countries relative to equal rights of men and women often only touch the state or general laws and have no effect on laws in the private sphere. If implemented, the convention would have a great effect on such practices by allowing women to become educated and by requiring the discriminatory laws to be changed.

This convention is an important advancement in the law of human rights. It has been rather traditional to exclude women's rights from the concept of human rights, but it is time that was

ended. The United States needs to stand tall and play a leadership role in international politics. We must ratify this convention, and we must then act in good faith to live up to its obligation.

Thank you.

[The prepared statement of Ms. Dilday appears in the appendix.]

Senator KERRY. Thank you very much, all of you. I think you have been very articulate and very forceful, and I appreciate the testimony enormously. I wish clearly more of my colleagues could actually hear the testimony directly because I think it is always more powerful, and I think your eloquence could help to persuade them of its importance.

Let me ask any one of you who wants to tackle this. Let us assume that the treaty were ratified tomorrow. It is on the books. We have got it. It says all our Government is committed to eliminate forms of discrimination.

As you know, the treaty requires the passage of certain laws in order to place the United States in compliance with the convention. What would be the priority among those laws that you would think then must be enacted in order for us to be in compliance with the treaty?

And I suppose the second question is: Would we be better advised as legislators to try to separate a set of priorities which we would be required by the convention to change anyway and proceed with those changes? What are those?

Ms. RAYMAN. It is hard to set priorities because everything that needs to be changed is so imperative. I know that from the article 11, the most outstanding thing that needs to be changed is the Social Security law and its bias, its gender bias, and certainly we know demographically that women live longer.

In fact, women are more likely than men to be impoverished and the fact that there is such inequity in the Social Security legislation is something that deserves and needs immediate redress and attention. That is one of the sticking points that came up originally when convention issues were taken to the Justice Department for discussion. It is affecting more and more women every day as we have the graying of America and the graying of Massachusetts, and everyone in this room.

As I say, everybody who is doing it is getting older, and the baby boom generation which is a large cohort of women has now reached the age of 40 to 45 and it is an increasingly very important measure that needs to be addressed.

Senator KERRY. Clearly what you are addressing because, in fact, the laws with respect to Social Security are gender-neutral, which are addressing a socioeconomic, social, demographic reality that has created a lesser amount of payment to those on Social Security who are women as a result and all earning sharing concept, age discrimination, and so forth.

Now, do you have any sense of what that would cost?

Ms. RAYMAN. No, but one of the problems is you need congressional mandates to do the kind of studies that are necessary to produce the kinds of statistics that you need, to study such costs. It would be a pleasure if in your role as Senator if you could move to have such research provided for the kind of statistical background we need.

Senator KERRY. You know, we are doing a comparable pay.

Ms. RAYMAN. And we have the Women's Institute of Research did a very good one on parental leave which I quoted the cost of the lack of parental leave for this country. I believe it was a congressionally mandated statistical support.

As you have mentioned, there have been a number of others that are germane to this treaty. But this one has not been done, and I think it is a good question and deserves to have the kind of status and resource that we need.

Senator KERRY. In each of your fields, for instance, what area would you say would be most impacted by the virtue of the passage of the convention?

Ms. DILDAY. You know, the American Bar Association has recommended that a reservation be put into the ratification of documents which sets out the fact that the Federal Government has limited jurisdiction and that the Federal Government can only ratify the treaty with respect to the powers that have been granted the Federal Government by the Constitution.

As far as Federal jurisdiction would go, the Federal Government would ratify and then encourage the States to then adopt the policies of the treaty in their respective areas of jurisdiction.

In Massachusetts quite an extensive study was done to decide what types of laws had to be changed and what things had to be done, and I am sure that would have to be done on a Federal level, perhaps following the same model as the State survey.

Senator KERRY. President McKenna, the article 10 in the convention says the parties shall take, "all appropriate measures to eliminate discrimination against women in order to ensure equal rights with men regarding access to all types of levels of education."

Does that phrase, in your opinion, depart from the purposes of title IX in education which prohibit discrimination in federally assisted education programs or activities or do you think is that essentially the same?

Ms. MCKENNA. I think it is essentially the same. Article 10 really does not conflict with any existing legislation in this area, so there would not be any need for change in the law at Federal and, I doubt, at State level.

What it does do is to stress the intent in a more affirmative way by providing resources which would, in fact, allow access rather than by prohibiting discrimination. So, in some ways attitudinally, it is a little different than legislation that prohibits discrimination which we see most often.

Senator KERRY. Do you think article 10 is more broad than title IX?

Ms. MCKENNA. It is broader.

Senator KERRY. Does the Grove City restoration and the passage of this civil rights legislation this past year, do you think that brings them any closer in conformity that we already have laws on the books that break it up?

Ms. MCKENNA. I think so. I don't think this is a legal or legislative issue. I think it is one of attitude and the article poses no legislative difficulty or conflict with the education law.

Dr. PROTHROW-STITH. I have a comment. In the issues addressed in article 12 there are the very specific intents to have free care

available where it is not available. That could be read as a universal health care or at least guaranteed access to prenatal care for women.

I do not know how much that would cost, but in Massachusetts with our efforts we have demonstrated very clearly that there is a significant costsavings to allowing adequate prenatal care; that is, that women have fewer low birthweight babies, and those tend to be very expensive babies for the system.

So, that while this may, in fact, require States to offer at least prenatal care as an entitlement, it also mentions nutrition, and I do not know if that means that program would actually become an entitlement in the sense that States would have to supplement and have to do some of the things that other States have agreed to do, but there are cost implications that are worth considering because I think there are costsavings here as well.

The question I had was for President McKenna. You mentioned that in discrepancies between the education process for boys and girls and young men and women and even men and women as we get older that it didn't matter in one particular study whether there was a male or female teacher, and that strikes me because I wonder if there is not something in the training process that needs to be addressed as well, not only the access to education and the kind of numbers, but I am wondering if there has been any kind of look at the training process to become an educator and address some of the bias that clearly exists.

Ms. MCKENNA. The answer is "Yes."

First, let me say, there is a significant difference in what happens to women in the classroom that studies demonstrate. The reason one-third of women scientists in this country graduated from women's colleges—which produce only 3 percent of all women graduates—has something to do with the role models they see. So, I don't discount that at all.

Nonetheless, a study at Harvard indicated that a lot of women professors employed male pedagogical styles. They have been trained under men, and the attitude that emerged from this pedagogy is not one that is particularly conducive to learning in general, but has a particularly negative effect on women; that is, in terms of competition, in terms of putting people on the spotor embarrassing them in a class.

Unfortunately, most teachers in secondary schools and college and higher education are not trained to teach. They are trained in content, but the difference between what they know and what people gain from their knowledge is a big gap.

The result is that people do at this level teach the way they were taught, and they were mostly taught by men and by people who were women who grew up in a time still where they had only male professors. It becomes self-creating.

Ms. BINDER. I would like to comment on both your statement, Senator Kerry and on President McKenna's.

As I was reading some of the materials that you sent out to us, I was so frustrated, I was struck by the fact, and I mentioned it to President McKenna, that 10 years ago in 1980 or almost 10 years ago, we were feeling very good because there were so many laws on the books including title IX and so many efforts underway under

the Women's Educational Equity Act programs to reduce stereotyping in elementary schools and colleges and in the instruction of educators. And yet, in that passage of time we have not seen the kinds of real changes that we might have expected.

You asked two questions of the panelists, and the second one I thought was, Should the legislators set some priorities? And I wonder if, in fact, this isn't an example of the fact that this method doesn't work. The laws and now the Civil Rights Restoration Act, the laws are on the books, and there's no difference. Would the passage of the treaty really make a difference?

Senator KERRY. What I am trying to get at, what the passage of the treaty will require is that certain steps be taken to pass laws, that certain laws be passed in order to deal with perceived violations of the convention.

So, the passage that you mentioned in step 1, you have a series of perceived violations out there. Obviously child care is one. We are trying to pass child care right now, so we may preempt one of those things you seek to do. What are the others is what I am getting at that would make that kind of concrete difference?

And the question is does Grove City—and I think you have answered it—Grove City in some rights legislation might have been something that you would have also passed. Now, we have done it. And I am trying to get at what in each of the fields you feel is the most important area that ought to be—is going to have to be addressed the moment you pass this in order to really give it teeth because this is not self-enforcing in any respect. It is a statement of rights which is, incidentally, why I think it ought to be accepted.

Ms. RAYMAN. Could you say something about the comparable work study that you say is now underway. That certainly is one of the things that would have to be addressed.

Senator KERRY. We are waiting for the results. I forget what the mandate date is, but we are anticipating its report soon. And it is really going to get data about which we could make some judgments.

I mean, there is a basic acceptance of the notion that it is wrong to have the inequities that exist within the pay structure and so forth. The question is how do you get at it? What sort of structures do you set up? Do you create categories? Do you have a whole set of the different fields of endeavor that fall into certain kinds of levels, and how do you begin to draw the distinctions between them? And what are the remedies for it? And what is the impact of it economically?

That is really what we are waiting to get it in order to have some data to be able to understand better what sort of teeth you are putting into this notion of comparable work, comparable pay. And we really need that data to get a move on it.

So, there is a commission that was set up. You talked about the study that was put together in order to do that and to give us something on which to work. And I think there are a lot of people very much committed to it.

But let me come back before we move to the second panel. I want to hold the question on the article 12 until we have the second panel, which is going to address some of the health care issues, and so forth.

Ms. MCKENNA. One of the things in education that will raise the same kind of question that you did relates to support for and access to family planning information in the school. That would require States and cities to provide some sort of legislation, enabling legislation to create this kind of right which we clearly do not have now.

Senator KERRY. True, and it would also have to be defined and what is the level of family planning?

Ms. MCKENNA. And into what age group and by whom and all those kind of——

Senator KERRY. To what degree do you see—maybe the answer to this is self-evident, but to what degree do you see us trying to get two-thirds of the Senate to vote on something which previously only one-half voted for in passing the equal rights amendment?

I see a lot of smiles. Does anybody want to tackle that?

I take it that you—I take it that there is a sense that that is a difficulty.

Ms. MCKENNA. I actually am not optimistic, and I think that has something to do with the quality of leadership in the country today. It is not a popular issue. It is not even quite acceptable to deal with these kinds of issues anymore.

Senator KERRY. But is it not fair to say that part of the answer to that this is not an equal rights amendment. This does not change the law of the United States specifically. What it does is establish a set of rights which are a guideline for further action which is going to be taken individually.

Ms. MCKENNA. I agree. I think there are two problems. One is related to gender, that is women, which issues have not been given a high priority for the last decade.

And, second, it is unfortunately an international treaty which is other people telling us to do something which in this country we seem to have a difficult time with. Accepting the fact that we may have problems or that we want to be part of a solution to a set of problems that is international is something we have never been very good at.

These two problems would not make me terribly optimistic unless somehow we can gather the forces of good here and make it, in fact, important politically to be in favor of discussing these issues.

Ms. DILDAY. Although you say it is an international treaty which does not change the law of the United States, in a certain sense it does. Certainly the United States could not sign a treaty which went against the Constitution and laws of the United States. But, once this convention is ratified, according to the case of *Missouri* v. *Holland*, the treaty is the supreme law of the land.

So, whereas it is not going to do something that the Constitution says you cannot do, I think it does expand the law of the United States to the extent that the treaty is broader than our Constitution and our law. And that may be a problem for a U.S. Senator.

Senator KERRY. In what sense do you say that it is broader?

Ms. DILDAY. I think it is broader than the ERA, which we do not have yet.

Senator KERRY. Why is it broader? You see, I am not sure I agree with you. I do not see it as being broader.

Well, let me ask you that. Why do you see it as being broader?

Ms. DILDAY. Because it recommends affirmative actions to change customs and traditions and provide sanctions in article 2 for not eliminating of all forms of discrimination.

Senator KERRY. What does article 2 say specifically that you think mandates that?

For instance article 2 says—I mean, you do not see it as a broad statement of rights as opposed to—I mean, it does address issues of child care. It addresses broad issues of health care and so forth, but they are broad enough, it seems to me, that you could make an argument that they are already addressed and the degree to which you are going to move to address them is as subjective as any other interpretation of law.

We have a Constitution that talks about due process of law. The Supreme Court interprets what that means. It tells us whether we do have or do not have enough. Why would not this convention be an affirmation of basic rights under which we begin to test whether we are doing enough or not?

Ms. DILDAY. I feel that it is.

Senator KERRY. How does it go beyond?

Ms. DILDAY. I think, for instance, when you——

Senator KERRY. If it goes beyond, we have a problem, I mean, if that is accurate. Then you have a real problem. The President and the State Department in submitting it did not suggest that it went beyond.

I suggest that there are some questions as to how it could be applied, but they felt those questions could simply be met by us declaring how we interpret them as a matter of congressional intent.

Ms. DILDAY. They are not all a problem to me. I agree with you wholeheartedly. I thought you were asking what you thought some of the objections might be or some of the problems to getting it passed by two-thirds of the Senate.

Senator KERRY. And you are stating that you feel that that would be an argument that will be made?

Ms. DILDAY. Yes.

Senator KERRY. Oh, I accept that. I am sure it will be. It has been.

Ms. BINDER. I would also submit that it is a degree of specificity within the treaty that is the real issue, and that is the real problem. The equal rights amendment was nice and vague and mushy, and it could not be passed. This is very specific, and I think in the current climate it would be more difficult to pass it under those circumstances.

And I certainly agree with Margaret McKenna that, in fact, it's made more difficult because of international commitments that are required by the treaty. Perhaps the United States in past years may have somewhat less difficulty accepting such oversight but certainly in the current climate would not want to have its internal regulation of its laws reviewed under the kind of scrutiny. So, I think it is really both of those aspects that will make it more difficult in the current political climate.

Senator KERRY. I will proceed to the next panel so we have enough time to fully explore them.

I really want to thank you. I think your observations and your testimony is important, and I'm very appreciative.

If we can come back to order now, we will resume with the testimony of panel No. 2, the subject of which is women and social issues. We will hear from five panelists, beginning with Norma Swenson who for the last 13 years has been with the Boston Women's Health Book Collective as its founder and its codirector and is now its president and director of international programs and Ford Foundation project.

This program is best known for two of its many publications, most recently,"Ourselves Growing Older: Women Aging with Knowledge and Power," the new "Our Bodies Ourselves: A Book By and For Women," and the original "Our Bodies, Ourselves." In addition, Ms. Swenson has worked with the World Health Organization and traveled extensively throughout the world on the topic of women's health care and also was present at the conference in Nairobi.

After that we will hear from Gladys Maged, who is executive director for the gender bias study for the Supreme Judicial Court here in Boston, and she will testify on marriage and the family.

She is currently examining a 2-year study of gender bias in the operation of the court system and she previously served as the director of the Massachusetts Legal Training Program at the Massachusetts Law Reform Institute, the director of the legal assistants program at Northeastern University, as well as the Massachusetts Bar Association, University of Massachusetts Law Center and the Correctional Legal Services. So, we are delighted to have her presence.

Third, we will here from attorney Virginia Lee, who is chief of the Civil Rights and Civil Liberties Division at the Attorney General's Office. She will testify on fundamental freedoms.

She has made a commitment to civil rights that is longstanding before working for the attorney general. She gained certain recognition for her celebrated representation in the defense of Long Guong Huang, a Chinese immigrant who was arrested and beaten in 1985, she has had a private practice for many years and is on the board of the Massachusetts Civil Liberties Union and the Asian American Lawyers Association.

Fourth, we will hear from Rosemary Dunn Dalton who is a well-known psychotherapist in the Boston area for her role as chair of the Boston Lesbian and Gay Political Alliance and coeditor of Lesbian Psychologies published by the University of Illinois.

And finally we will hear from Laurie Sheridan, a community organizer with Parents United for Child Care, who will testify on sex roles and raising children. She is a board member of Massachusetts Coalition for Occupational Safety and Health, a labor official for over 10 years, a member of the IUE, and founding member—executive member—of the Coalition of Labor Union Women and of the Coalition for Pay Equity, Massachusetts Women's Legislative Network and AFL-CIO, and the Governor's Commission on Parental Leave. A very busy individual.

I want to thank all of you for taking time to be with us today. I think we have a lot to try to cover, so why don't we begin, Norma

with you and we'll go right through you with the same process and come back for questions at the end.

STATEMENT OF MS. NORMA SWENSON, DIRECTOR OF INTERNATIONAL PROGRAMS, BOSTON WOMEN'S HEALTH BOOK COLLECTIVE, WATERTOWN, MA

Ms. SWENSON. You gave me such a round introduction I think I will just say a couple of other things, other than what you said, and then go on from there.

In addition to what Senator Kerry has described I am also a former president of the International Childbirth Education Association.

I hold a master's degree in public health from the Harvard School of Public Health and am currently coteaching a course there on women and health, so I have been listening a lot to students lately and am somewhat alarmed about health and about our Government so I am going to talk today in support of the ratification of this extraordinary treaty, which so many other nations have ratified long ago, from the perspective of health care issues.

There are three basic areas I would like to focus on, and I am not going to go through the litany that so many people do of how come the most industrial Nation in the world does not have a health program of some sort. I think a lot of us know the reasons and I think it is a tragedy, and so on. But there are ways in which I think we need to focus on the discrimination question that perhaps we have not done, and the first of these is the direct discrimination against women in the health and medical care system; the second is the health effects of discrimination against women that result from discrimination in our society; and a third is the definition, or redefinition of health for women in other contexts of our social and economic system.

I think in this country particularly, and perhaps in Massachusetts specifically, we are very invested in our faith that the health and medical care system can really save us from everything and I think that is not true, and I think there are ways in which we need to start talking about intersectoral connections between what goes on in the health care system and what is going on in education, housing, and all the rest.

Regarding direct discrimination I am not going to elaborate on all of the discrimination instances, which are a matter of record. They have happened here in this Commonwealth and elsewhere.

We still have a long way to go inside the health care system as far as professionals are concerned. For example, looking at the national figures we still see women's enrollments in medical school around 40 percent, or well below their proportion in the population.

We still hear many reports of overt and covert discrimination practiced against them once they arrive there and this is something that we systematically go and do. Has not everything changed? Is not everything fine now? And we hear systematically and virtually almost the same kinds of stories that we heard in the 1960's and early 1970's when they first started appearing. It does not go away. It takes more covert forms.

The same holds true for many of the other health professional schools, where the percentage of female faculty are far below what might be expected equitably and benefits are not reasonable for what women need and we can talk more about that in detail, but essentially the ways in which women's lives are organized still presume that they are going to be the caregivers and the services that are made available through the health institutions do not reflect that need, nor indeed do they reflect the need of families.

To their credit a few institutions here in the Commonweatlh have taken the lead in attempting to improve the climate but the affirmative action initiatives of the 1970's have been eroded and most women feel that there are far too few resources committed on their behalf.

Women should not have to fight case by case, State by State for equal treatment, but rather institutions should be obliged to commit resources to fair and objective research to document their needs and problems and to provide redress. The convention could provide us with the missing tool to do this.

Health care workers are more than 75 percent female, 85 percent in hospitals, and are among the poorest paid at the bottom of the system. For this reason alone, they deserve a stronger voice in shaping policy. In addition, because of their location in the system women healthworkers have valuable perceptions which, if implemented, could provide improved care for every patient.

If the vast majority of women workers are not consulted or involved in the development of health policy, whether at the levels of policy and planning, architectural changes, or even basic safety issues—I was at the AIDS conference the other day and there was a very interesting discussion of the hierarchy of the health and mental care system, where physicians making the injections at the top of the system are essentially throwing needles down the laundry shoot that arrives at the laundryworkers at the bottom of the system, who are never consulted about how to handle them or what to do about pricks or anything of the sort. That's just a symbol of the problem.

I want to make a distinction here between professional women policymakers as such and healthworkers who are involved in the day-to-day care and services on the job. Only rarely in my experience do women policymakers identify with such workers any more than their male colleagues.

Without structural changes which would include charges to eliminate inequalities in voice and vote, the mere presence of professional women in making rules will not do the job. Women at home are also an enormous unpaid reservoir of unpaid caregiving healthworkers. We must recognize them, support them and reward them. Nothing less is going to get us through the health womanpower crisis which is coming ahead and insurers, employers, and institutions refuse to pay professional caregivers what they are worth.

And we could talk a lot more about caregiving. We had a unit on that subject in our course recently, and the literature is rich with ways of thinking about the problem but it involves women more centrally, certainly, than men do. Men are not involved; and it raises questions about who we are going to pay for what and can

we offer people credits, and how are we going to handle this, with the bias that women basically do this work.

When it comes to women patients, our system has an enormous distance to go. While it is clear that men also suffer violations of the human rights in the health care system they do not begin to compare with what most women experience routinely. First, women are present in the system at a rate nearly two to one that of men. Second, in the long tradition of maternal and child health care services in this country there is no plan for the participation of women in the planning and implementation of those services to this day. Even at the high point of the Great Society mandates community advisory boards in all Federal programs, research I conducted at that time revealed not one such board, nor do I know of one since that time.

To this day, we make assumptions about maternal and child health services which reveal that the primary health of women for their own sakes is not ever our primary goal. In the words of a Brazilian physician and researcher, Dr. Anibal Faundes, "We didn't set up family planning, population, and maternal and child health services for the sake of women, we did it in order to use women as a means to another end—for population control or for the health of children and the workers they would become." Dr. Faundes was speaking in Brazil this past October and of course he was speaking about the Third World primarily, but he might as well have been speaking about the United States.

In some parts of the United States, women's access to care during pregnancy is not a guaranteed right, and as long as we have a States rights policy about human rights, we will always have some States which will not provide for the human beings within its borders.

But even here in Massachusetts we have not made our physicians accountable in the area of basic human rights to dignified, equitable prenatal, and birth care services. It is a scandal that so many of the Commonwealth's doctors have been permitted to refuse Medicaid patients. It is unacceptable that some communities of physicians where there are high-risk populations have been allowed not to take advantage of Federal funds available to improve care for pregnant women. It should be embarrassing to the Commonwealth that we have not taken vigorous steps to actively promote the increased use of nurse-midwives as a viable and proven strategy for improving prenatal care in many of our most vulnerable populations. We need to send a message to our physicians that we will provide support and perhaps even incentives if they will do their homework and champion nurse-midwifery care.

We also need to pay attention to the valuable function that traditional midwives play in many of the immigrant cultures which continue to arrive here at Massachusetts. The convention addressed this point directly—we perhaps we felt that this point was only relevant in Third World countries, but we must not assume that high-technology medicine will draw those most vulnerable and most in need, or even that it is the best medicine for them, or the best way for us to spend our resources.

Poor women and babies come into high-technology medicine after the fact, when there is a crisis, only because we have not addressed

their needs in the community before birth. We have not done a respectful and systematic job of assuring that there will be someone who speaks their language in a medical emergency or even in routine care. Certainly the convention would help us set up such mechanisms with more vigor.

My second point, the health effects of discrimination, is an enormous literature, much of which comes from Third World research. But even here in the United States we see many ways in which girls are discriminated against from birth, despite our official language which calls them "citizen," "student," "client," and "patient," as if there were no difference between a male and a female.

These health effects are most marked in our failure to provide young women with the tools they need to protect their basic bodily integrity as women—sex and health education, appropriate health care, birth control, and backup abortion services. We have had two full decades of public debate and half-hearted action in this area.

I agree with Surgeon General Koop that we have had a lot of sex education, but it has been done by the wrong people. I am not sure that he and I are talking about the same people in the future, but we do agree on the principle. The home and the church do not protect the strongest young women, even, from the risks of sexually transmitted disease, including AIDS, the risks of disease and infertility from inappropriate birth control methods, or the risks of unwanted pregnancies.

These programs must take place in public schools and be seen as an integral part of young women's and young men's preparation for life. We must see this as part of a mandate to end discrimination against young women, and we can look to the convention possibly as one way of helping us do that.

As far as adult women are concerned, it is shocking that in 1988 we are still debating whether or not women have the right, guaranteed by our Constitution, to make decisions about their own bodies; and that furthermore we are witnessing an upsurge of actions suggesting that other entities—fetuses, families, and even putative fathers—have prior claim over that body. Bodily integrity and freedom from harassment is one of the basic freedoms of this country.

Each day that we fail to act on the many legal instruments before us so that this reality becomes unmistakable to the general public, we are discriminating against women and undermining their status. If we as a nation, and not a collection of feudal states, really believe this those rights must be guaranteed and even celebrated in the law.

We cannot speak critically and righteously about the human rights violations of other countries and not recognize that we are committing daily violations against one-half of our own population.

Finally, in the area of health definitions, I think it is critical in this age of technology, in this city and in this Commonwealth, which has been so much in the forefront of technological innovation and expansion in medicine, to define "health" as not only a positive state which is more than the absence of disease, but to define it as a result directly derived from what we do about the quality of life in all other areas, and how vigorously we devote ourselves to that quality of life.

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We're not talking just about prevention, but also health promotion which looks at those sectors in education, housing, and basic entitlements as the true source of our health rather than the health care system itself. But most important of all, we cannot achieve health for all or even for our own citizens, without placing women at the very center of all our efforts about health—planning, policy, education, grievances, and care. Health care really is about women, and until women's status is guaranteed, as it would be by this convention, our health will not improve.

There are a couple of points that are not in my written testimony that I wanted to share with you quickly. I think here in Massachusetts we have some work to do on the quality of abortion services.

I think we are certainly to be commended for having persisted in making those services available to poor women in the face of all manner of disincentives and harassment from the Federal system and climate, but I think in most of the hospitals where poor women do turn for their services a great deal could be done to make them more acceptable and health-enhancing.

I also want to speak about the fact that because we have allowed individual States to make rules about which poor women may or may not receive abortion services, we have failed to look at the fact that this Government is prepared to fund sterilization for women who have no other options. I think this policy has been discussed and debated for 10 years, but I think we could make some moves to say that it is a form of discrimination to provide one service and not the other.

I have not enough time here, and I am hoping somebody else will help me out by talking about the discriminations of the insurance industry against women in general and against health insurance for women in particular.

I know a lot of efforts have been made in that regard and they have been State-by-State efforts, but I think they ought to be Federal efforts and in particular I think we are entering a new era where the multinational corporations are hoping to bring a lot of unproven drugs which have been used on Third World women here to the United States to be used on our less advantaged women. I hope we look at this process very carefully and monitor it vigorously and raise the appropriate challenges.

I want to thank you for the privilege of speaking this morning and I will be happy to have questions.

[The prepared statement of Ms. Swenson appears in the appendix.]

Senator KERRY. Ms. Maged.

STATEMENT OF GLADYS MAGED, EXECUTIVE DIRECTOR, GENDER BIAS STUDY, SUPREME JUDICIAL COURT, BOSTON, MA

Ms. MAGED. Thank you, Senator Kerry, for this opportunity to speak, and I want to commend you on your leadership in this area. It is very much appreciated by us.

I am speaking this morning mostly from the basis of information that you have gathered through the Gender Bias Study and the Supreme Judicial Court. We are looking at all areas of the court

system relevant to what you have asked me to speak about this morning. We are looking at the areas of marriage that are most affected by the court processes, divorce, division of marital property, child custody, child support, and domestic violence.

I support the adoption of this convention. Particularly I note the provisions of the document which call for countries to adopt measures to modify social and cultural patterns of conduct for men and women and to provide services to correct past inequities because I think it is more than the letter of the law that we need to be looking at.

The State laws in the United States that control marriage, family, and property issues, at least in Massachusetts and many States, have now been brought up to date where they no longer have written in gender inequities, but if they fail to recognize the status of women in society and the realities of our lives, then a law that looks gender-neutral on its face, will end up enforcing inequities, the biggest example being income, women making less money.

If a law controls in gender equally in dividing property may end up leaving them in worse shape than the man. In particular, article 5, which is about conduct and about maternity as a social function, family education around that issue and article 13, family benefit and article 16, particularly about family law, are things that I think would help me address the problems that I am going to outline for you today.

The existing inequities in the family and marriage area are many, but I want to pick out specific examples to highlight these areas.

Domestic violence. We have in Massachusetts a model piece of legislation called chapter 209A, one of the first in the country, and after 10 years of use, it has made a big difference in the atmosphere around domestic violence in our State and nationally.

However, there are many problems remaining. Court personnel, judges, clerks, and others and because women often come unrepresented to court, this affects greatly the attitudes of these people. Still they may blame women for being at fault in an issue of domestic violence. They may give less credibility to a woman as her own witness to what has happened.

And I just want to say again the statistics around how often women are beaten or live in daily fear of violence in Massachusetts as well as across the country are very high, and I think it is interesting that in many ways our laws reflect a very modern situation where women are certainly entitled to hold as a convention noted that women in this State can hold any profession they want while married, have right for the property, have right for the custody of the children, et cetera.

But, as the same time, women in this State are living in a fear of violence in many situations. What good are the rights when that is the case?

Another specific problem is that without adequate alternatives such as funding for shelters and related services, women are not able to use the laws that are available to protect them. In other words, the enforcement of orders that women are given in the courts are really just a piece of paper if either they are not able to enforce the law adequately and they cannot always be held ac-

countable for every instance when the woman cannot get away from a situation that the order becomes just a piece of paper.

In the area of division of marital property, although, again, our laws in Massachusetts look gender-neutral on the face of them, studies across the country and I believe our study when it is completed shortly will show the same thing. Women come out consistently more impoverished by divorce than the men. And, in fact, statistics in California show that men come out considerably better off after divorce economically vis-a-vis the woman, and when you consider that women are overwhelmingly the caretaker of the children, then you say children across the country are impoverished by divorce.

Specifically women have less money to pay for representation. Divorce is a big business and Federal legal services simply do not provide for representation of women of poor or moderate income. Services are not available to help women in this area of divorce in particular, and without the money to hire a lawyer, an adequate amount of lawyering or an expert witness, you will come out worse off in divorce, and that is just the business of the matter.

Another specific area is that alimony has become less fashionable as it were in the courts. The idea that women are now working and able to be in all kinds of professions gives the myth that women are making as much or have as much income capacity and are going to be able to support themselves as well after divorce.

The woman has been a homemaker all of her life. The woman simply is not going to make as much as a man afterward. And who has contributed to his business, his occupation, his profession or whatever is going to come out worse off.

And child custody. This is a situation where women's realities really affect whether what seemingly is a neutral law is going to have the effect of being equitable or fair.

Although roles are changing and, of course, we want them to change so that women are not always the primary caretaker, so that men have a share in child rearing, the fact of the matter is that women are still the primary caretakers and have that history with many children existing today in most cases.

So, that while women do receive awards of custody much more often in the courts, that is not an indication of any bias or favoritism. That is a reality of what has been the case.

What we do find is when a case is contested and a man comes forward and wants child custody to assert his right that he wants and should get that custody, lawyers in this State in our survey say that women have a harder time getting custody in a contested case. So, if no one contests, they are able to most of the time. But, if anyone does contest, they are held to a higher standard to prove themselves to be a fit mother.

And I would mention here, of course, the lesbian mother needs particular protection in this area. Homosexuality is not mentioned in the convention, but I think lesbians are a special class of women that need extra protection, and that their previous work of parenting or their current occupations of parenting are often wiped out in the course of the hearing just on the issue of sexual preference.

And one more thing. Remember that women already go into divorce disadvantaged by inadequate representation. Because of

women's strong bond to children, they may have been the primary caretaker for, they often will trade away economic advantages in the negotiation process to make sure they get custody. If there is any threat made to the custody, women will often give up on money that is rightfully theirs, an asset of theirs, to make sure that they get to keep their children.

In the area of child support, there is Federal law that now mandates every State have apparatus for enforcing child support orders. That is a big step. In this State the department of revenue has taken on the responsibility, and that certainly looks very hopeful.

At this point, however, because of the amount of resources they have, they are just recouping payments from men who are very poor. It is a State priority to get back that welfare, AFDC that is paid to women who do not get their support from the men who should be paying it, and we hope that that strongly will become more a reality for moderate income women who need that help getting their support.

Overwhelmingly women are not getting the full support order they are given in court. It is just not being collected either at all in some cases for many, many years women give up on collecting because they cannot, or to a certain extent it is collected in late payments, missed payments, or whatever.

Much more help is needed because women are living much less well off than the guidelines have called for.

I want to say one last note about the legal profession in specific because other panelists have mentioned the workers who do the work have a big impact on how the service is delivered, whether it be health law or education. The legal profession is overwhelming the female profession of this country. And it may sound surprising because people think that although there are women lawyers, there are still more men lawyers overall.

I want to point out that it is a profession of clericals, a profession of paralegals, a profession of administrators and managers and other people who actually get that work of that profession done, and the body of lawyers is changing—50 percent of the admittees to the bar in Massachusetts this year have been women. So, the profession is changing that way, too. But, what is still happening is the decisionmaking and highest pay is going to men in the profession.

And I think those two things need to be addressed for legal service to all women, before legal service to all women can be put in the right state it needs to be put in.

I believe that this treaty could have a broader influence over the problems outlined. I would be interested in discussion followed up on by the first panel where you asked questions about what will happen to get this to come down to the level where it affects women because the laws have changed.

In marriage or family we are talking State laws and not Federal laws for the most part. I think it is an interesting discussion, but I do believe the treaty passed could then give us a very broad mandate to go ahead and do that local work, as you said, Ms. Binder has been doing. I think then an educational effort could follow

from the treaty source. I strongly support that that be adopted. Thank you.

Senator KERRY. Thank you. Virginia Lee.

STATEMENT OF VIRGINIA N. LEE, ESQUIRE, CHIEF OF THE CIVIL RIGHTS AND CIVIL LIBERTIES DIVISION, DEPARTMENT OF THE ATTORNEY GENERAL, BOSTON, MA

Ms. LEE. Good morning. My name is Virginia Lee. I am chief of the civil rights and civil liberties division of the Massachusetts Department of the Attorney General. I very much appreciate your giving me the opportunity to comment on the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, and urge the Senate's swift ratification of the convention.

At the outset, I would like to give credit to several women authors whose articles were of assistance to me in preparing for this testimony. Those authors include Malvina Guggegenheim and Elizabeth Defeis from Loyola of Los Angeles Law School; Marjorie Heins, whose article appears in the Suffolk University Law Review; and Mary Ellen Gale from the Whittier Law Review.

The convention calls for the elimination of all forms of discrimination against women. In the preamble to the convention we are asked to reflect "Discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women on equal terms with men in the political, social, economic, and cultural life of the countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity."

Although many American jurists and legislators would readily agree and support this view, it is fair to say that such thinking is a relatively recent phenomenon in American legal history. The U.S. Constitution and the Bill of Rights did not provide for equal rights for men and women. In fact, in 1791 when the Bill of Rights was adopted, individual States could and did restrict rights such as voting, holding office, and jury duty to white male propertyowners.

The adoption of the 14th amendment in 1868 did not guarantee equal treatment for women. In 1873 the U.S. Supreme Court rejected a woman's claim of her right to practice law pursuant to the 14th amendment. In an often cited passage written by Mr. Justice Bradley the court stated, and I quote, "The civil law as well as nature herself has already recognized a wide difference in the respective sphere and destiny of men and women. Man is or should be woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution of the family organization which is founded in that divine ordinance as well as the nature of things indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood. The harmony not just the identity of interests and views which belong or should belong to the family institution is repugnant to the idea of a woman adopting a distinct and independent career from that of her husband."

And that, of course, is the 1873 decision in *Bradwell* v. *State.* This 19th century view has for the most part been rejected by 20th century legislators and jurists. In 1920 with the enactment of the 19th amendment American women won the right to vote.

In the area of employment discrimination Congress enacted the Equal Pay Act in 1963 and Title VII of the Civil Rights Act of 1964.

In education Congress enacted Title IX of the Educational Amendments of 1972. Likewise, Congress has prohibited discrimination on the basis of sex in public accommodations, credit, and housing.

The U.S. Supreme Court has made significant strides in eradicating sex discrimination. Women may now serve on juries, contract, operate businesses, practice professions, own property, marry and dissolve marriages, or create other living arrangements, control to a great extent their reproductive capacities, attend public schools, have access to public and often private higher education, receive equal pay, and receive equal benefits from governmental programs.

In 1975 the U.S. Supreme Court rejected the 1873 reasoning of Justice Bradley. That is the case of *Stanton* v. *Stanton*, and I quote: "No longer is the female destined solely for the home and the rearing of the family, and only the male for the marketplace and world of ideas. Women's activities and responsibilities are increasing and expanding. The presence of women in business, in the professions, in government and, indeed, in all walks of life where education is a desirable, if not always a necessary antecedent, is apparent and a proper subject of judicial notice."

Massachusetts sex discrimination laws are, in many instances, more stringent than Federal laws. Although we have been unable to enact an equal rights amendment on the Federal level, the Massachusetts Equal Rights Amendment was added to the Massachusetts Constitution in 1976, and it provides as follows: "Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin."

Massachusetts General Laws Chapter 151B prohibits sex discrimination in employment, housing, and credit. Chapter 151B is more expansive than title VIII, as 151B prohibits employers with 6 or more employees from discriminating whereas Title VII requires that an employer have 15 employees.

Massachusetts General Laws Chapter 175, Section 24A prohibits sex discrimination in the issuance of insurance policies.

Massachusetts General Laws Chapter 151C prohibits for the most part, sex discrimination in educational institutions, although private and religious educations are excluded from this prohibition.

The Massachusetts Civil Rights Act, enacted in 1979, prohibits interference by threats, intimidation, or coercion with rights secured by the Constitution or laws of the United States and the Commonwealth.

The Supreme Judicial Court of Massachusetts has been very receptive to enforcing the rights of women, as evidenced by its sponsorship of the Gender Bias Study which Gladys Maged has so beautifully described, to determine the extent of gender bias in the court system.

Just last year, in the case of *College-Town* v. *MCAD* the Supreme Judicial Court held that employers are vicariously liable for the sexually harassing conduct of their supervisory employees.

In that case the court stated, "A work environment pervaded by harassment or abuse, with the resulting intimidation, humiliation, and stigmatization, poses a formidable barrier to the full participation of the individual in the workplace."

And whereas the U.S. Supreme Court requires in many sex discrimination cases that the plaintiff prove "intent" in order to prevail, the Massachusetts Supreme Judicial Court appears to be holding strong on permitting an "effects" test.

The Massachusetts Department of the Attorney General is committed to combating sex discrimination, wherever it may occur. When, for instance, the U.S. Secretary of Health and Human Services issued regulations restricting the right of women to abortion pursuant to Title X, the Family Planning Services and Population Research Act of 1979, Attorney General James Shannon filed suit immediately.

In the case of *Commonwealth* v. *Bowen*, the Federal district court issued a nationwide injunction prohibiting enforcement of the regulations and concluded that the regulations were in violation of congressional intent and rights protected by the Constitution.

On an administrative level, the parent leave provisions provided for attorney general employees are sex neutral. A mother or a father may take up to 3 months of parenting leave for the birth of a child, the adoption of a child, or the placement of a foster child.

As to the Supreme Judicial Court's Gender Bias Study, Attorney General James Shannon encouraged the participation of assistant attorneys general to provide the SJC with a large sample of the views of public sector attorneys concerning gender bias in the courts.

Certainly Massachusetts law is, for the most part, consistent with the terms of the convention. It may be, however, that our Federal laws fall short of complete compliance.

Of most serious note is the failure of the United States to adopt the equal rights amendment. Article 2 and 2(a) of the convention require that the ratifying parties "agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and undertake to embody the principle of equality of men and women in their national constitutions or other appropriate legislation."

It would be most appropriate for Congress to again begin the process for enactment of the equal rights amendment.

In conclusion, I urge the U.S. Senate to ratify the Convention on the Elimination of All Forms of Discrimination Against Woman. Its principles are generally consistent with American law, and we should move forward with the international community in reaffirming our conviction to equal rights for women and men. Thank you very much.

Senator KERRY. Thank you very much. Rosemary Dunn Dalton.

STATEMENT OF ROSEMARY DUNN DALTON, M.S., M.S.W., GREATER BOSTON LESBIAN & GAY ALLIANCE, BRIGHTON, MA

Ms. DUNN DALTON. Thank you very much for allowing me to speak today. Living in Massachusetts and hearing all the talk about the "L" word this year, I found there is another "L" word which is also liberal.

The "L" word for us is lesbian, and I am glad that I am able to speak today because I have noticed that the word has only been used twice, and I would like to get beyond the fear and talk about this population and who we are and about our needs.

Of course, Senator Kerry, we consider you a friend of our community, we know that you have been there for us, and we are grateful. So, I appreciate you letting me talk today even though I wasn't on the agenda.

I am here to speak on behalf of the least visible of all women, lesbians, and I am here, of course, to address every single article in this constitution or this convention.

Gay men and lesbians represent 10 percent of the population as most of us know.

But I come here today with a heavy heart from a community deeply in mourning over the savage murders of our two lesbian sisters, Martha Alsup and Susan Galvin. These two New England lesbians were stabbed and stoned to their deaths last week while vacationing in the Caribbean. So, while we may not be overtly present in this document, this international event speaks to that omission.

So, intimidating is love among women that discrimination means death. This is not something new to our community.

I am here on behalf of the young lesbians, adolescents, who, frightened and with no affirmation for their homosexual feelings, are tracked into heterosexual roles, including having sex with boys. And for those who resist and are punished, harassed, called "dykes," "queer," and are physically abused.

These girls are discriminated against because they are deprived of a vision of themselves as strong, whole women. School curriculum does not include lesbian and gay sexuality, lesbian and gay health. We send a message to our youth that to be lesbian or gay is not acceptable, not possible, and despair, unhappiness, and suicide result.

I am here to speak on behalf of adults. In a recently federally funded survey of nearly 2,000 adult lesbians, it was found that depression and stress prevailed. Often because of money difficulties and worry about losing their jobs, three out of four of the respondents sought mental health counseling to deal with financial worries, discrimination, relationship issues, and other problems related to their lesbianism.

One in five reported thinking about suicide, almost one in five had made an attempt to kill themselves at one point. In spite of their high involvement in college education, only 4 percent made over $40,000 a year and 64 percent made less than $20,000—15 percent said they had lost jobs because they were lesbian. Half indicated they had been harassed because of their sexual orientation. Significantly almost one-third said that no one they worked with knew

that they were lesbian—17 percent said they were out of the closet at work.

Being out is a self-esteem issue. Discrimination and the lack of civil rights for gay and lesbian people prevents lesbians from living openly. Our country represses a healthy sense of self in all lesbians and discrimination is always manifest in health issues.

Forty-one percent of respondents to this survey reported having been sexually abused. This figure correlates with women in general. One in four will be assaulted, accosted, molested by the time she is 18. However, lesbians are raped because they are lesbians which makes the right to choose an abortion a lesbian issue.

Nearly one-third of these lesbians have been pregnant, one in six is a mother, 33 percent of black lesbians have at least one child. Yet nowhere in the public health has a commitment been made to nurture and provide specific services for lesbian mothers and their families.

Lesbians who have unique health issues are not afforded quality health care based on their need as lesbians living outside heterosexual norms.

I am here to speak on behalf of older lesbians. Women make up a large majority of the homeless. Many are old lesbians. Having been stripped of inheritance and having lived their lives independent of the money of men, the major link to financial security, these lesbians mirror the culture's disrespect for women who are not considered useful.

Major health issues afflict aged lesbians, including dependence on drug and alcohol, which escalates after age 50, as it does for women in general.

Lesbian and gay people are strong, valiant in our struggle against homophobia. We are diverse in culture, we are from all classes. We are professionally integrated into society. We are voters and, as you know, we are politically active as a group.

As lesbians we are gravely impacted by AIDS and its devastation of our friends and loved ones. AIDS is our issue. It is a community issue.

We view antidiscrimination laws to protect those persons infected with the HI virus as the No. 1 priority in our quest for equality.

Again, thank you for this opportunity to speak. Please send forward the cry of justice. Lesbians and gay men have endured the violence and hatred of this society long enough. As a beginning, we must have a strong national gay and lesbian rights bill passed. All of the laws are not on the books. We must have strong antidiscrimination laws relative to HIV-infected persons.

The United States can become a model for all nations in affording real justice for all. By signing on to the United Nations mandate against discrimination directed toward all women, that commitment can begin to become realized. The quality of life can be measured by our treatment of the least visible of all women among us, lesbians. Thank you.

[The prepared statement of Ms. Dunn Dalton appears in the appendix.]

Senator KERRY. Laurie Sheridan.

STATEMENT OF LAURIE SHERIDAN, COMMUNITY ORGANIZER, PARENTS UNITED FOR CHILD CARE, BOSTON, MA

Ms. SHERIDAN. This is a really hard act to follow to come next. I just want to say that, and I want to say that I am thinking I want to talk today as an ordinary person because as we have been introduced, a very distinguished panel, as was the other.

And I think we are all exceptional people here who share something, some privileges, some power, varying degrees of wealth. But I want to speak, I think, about people who are not here today, at least those women who are working women, parents many of us, who may be in blue- or white-collar jobs, may work at home, may work both at home and in the workplace. I have been one of them, which is why I want to talk that way. But also, because they are the majority of women who will benefit from the ratification of this convention if we are lucky enough to see that.

For someone to tell a story as an ordinary mother, which is about my daughter who turned 3 this Saturday, my youngest. She has two older brothers, and so she sees a lot of male role models around as well as her father. Then when I ask her what she wants to be or who she is, she says—believe me, she is not here to swear this is the truth, but it is—I say, "Bevvy, who are you? What do you want to be?" She says, "I am a boy."

Chills go down my spine when I hear this, and I say, "Are you sure you want to be a boy? Why are you a boy or why do you want to be a boy?"

And she says, and I swear to God this is the truth, she says, "Boys have more fun. Girls have too much work." I thought what have I done wrong?

My second reaction was to think that is wonderful, honey, you already know a lot about the world, and my third reaction is to think but what is your life going to be, and you are the next generation. I know what I have gone through. What is yours? What do you face?

I cannot really fully discuss this with her yet, but it will come up because I know that what she is going to face unless we see changes such as those this convention recommends. she is going to be a working mother if she is a mother and if she is working, who cannot find child care or has great difficulty finding or affording child care. Only she is going to have to not work and be home with the children. Whether she is single or married to a male wage earner or whatever, she is going to suffer severe economic disadvantage by being home.

If she is working and becomes pregnant, she is very unlikely to be able to take time off from work without risking losing her job and all the benefits that in our society are attached to having a job for women as well as for men.

Then I thought a little further and I just want to add at this point I have raised boys, too, who are somewhat older and realized today that no one has mentioned why this convention is in the interest of boys and men. Because I spend a lot of time raising boys and talking to them, I thought actually a convention recommending the elimination of discrimination against women also is in the interest of the men in our country who do not necessarily have the

legal and economic conditions in front of them that would enable them to be good parents, to participate both in child raising, child rearing, and being productive members of the economy who support their families, so I wanted to speak on their behalf as well.

I am going to focus mostly on child care and parental leave which are among the things that are in this convention the things probably most conspicuously lacking in our national legislation and even in our State legislation even in Massachusetts.

So, to sort of secondguess questions you might ask later about what legislation already exists that this does not get ahead of, this is certainly one case where this is far head and shoulders above what the United States has now. It may be a problem, but the fact that we do not have that is really the problem.

My job now is to be a community organizer for parents united for child care, which is a year-old Boston based organization of parents which we started, frankly, as a sort of latch onto a grassroots movement of parents who really are feeling terribly the lack in their lives of child care parental leave and other policies and programs that make it possible to be parents and work. And what I do is organize grassroots parents, low- and moderate-income parents who feel the need for that. And that is most of us, frankly.

We have been working in Massachusetts to do parental leave for a couple of years, and I have participated in that among a couple of the hats that I wear. As you all know better than I do, we did not succeed this year in getting Federal legislation for parental leave, which does not say it is not very much on the agenda for many of us.

Child care has suffered a similar fare. In Massachusetts we are better off than most States in this country as far as regulation and public support and even wages for child care workers which is a profession that most working women frankly rely on for our very livelihood and our survival.

We have a long ways to go in this State. We have a farther way to go as a country, and we are not. I mean, since we did not succeed in passing ABC or any other proposed national legislation this year that would help to find child care in this country and that whole system, we have to try again.

I think that the convention itself partly can serve a symbolic function of setting at least minimum standards and minimum guidelines for both of those areas. And I am not clear and we should discuss later specifically what we require this country to put in place what is not here now. I can only think it would help us as far as the legislation we need anyway.

And by comparing us to the rest of the world, frankly, when I first read this convention, I sort of thought this is going to be one of those things where if we signed up, we would be telling the rest of the world how to live because we are better. That is sort of my experience of what this country does in the U.N. has been.

And when I actually read it and realized these are standards and these are policies that other countries have had for years, at least as far as child care and parental leave. This is a case of the United States needing to come into compliance with minimum and national standards which I would dearly love to see.

I spend a lot of my time talking to parent groups about what they would like and what they would need. They can talk to me about this. And when I suggest that we are the only country in the world that does not have parental leave or child care, a national child care policy and program with the notorious exception of South Africa, it shocks me over and over again and it shocks the audience I speak to because it is so stark. They are such terrible bedfellows to have, frankly, in terms of family and social policy. And I am really tired of seeing it.

I would welcome the day when I could stop saying those words. The United States and South Africa are the only countries in the world which do not have national family policy which makes it possible for women and parents in general to parent and work.

All we really have, aside from very broad legislation around civil rights and discrimination that people have already mentioned, is we have the Pregnancy Discrimination Act of 1978 which bans discrimination on the basis of pregnancy, but really comes down to mean that women can't be fired for being pregnant.

And if your employment has a disability plan or a leave plan that would include it, then you would have to be included because you are pregnant along with other things. There is no requirement that your employment have such a policy, so if you do not, you are out of luck.

In Massachusetts we have 8 weeks unpaid leave mandated by State law which until recently was put among the most advanced of States. In some States you can be fired for taking time off to have a baby and 8 weeks is really minimal is what Massachusetts has.

It doesn't provide any rights for fathers who often need time off to help care for a child, to bond as a family, and frankly, to share in the upbringing of children. And that is why I said earlier that I think that men are actually disadvantaged in some ways. It is made hard for them to participate equally in child rearing. It is made hard for them to become fully part of the family unit.

They are supposed to stay outside as a breadwinner. So, even in Massachusetts we have a ways to go, and that which I hope I will see in the next few years.

It is a tough fight. Child care and parental leave are inexorably linked for some very practical reasons, and I know from my own life, if you take a good parental leave, you have to find infant child care. That does not exist either—on a very small scale, and it is very, very costly. The average costs in Massachusetts for infant child care, at least in the Boston area, is $120 to $130 a week, and you can certainly pay more. And you cannot find it.

When I was looking with my baby 3 years ago, there was one center in the Boston area that accepted infants, and it had a 2-year waiting list, and that is what it cost, $130 a week, which was one-half of my income at the time, so I could not use it. That is better than what most women in this country face when they have a baby in other States. Infant child care is barely available and parental leave may be even shorter and you are between a rock and a hard place.

If you have no access to parental leave and you have no access to infant child care, your job is gone. And when your job is gone,

probably your health insurance is gone. Very likely your seniority is gone which determines your future pension rights, your rights to promotion and the future on the job, let alone your right to return your job at all, which is your income.

So, behind a lot of what has become fashionable to talk about as the feminization of poverty in this country lies some very stark realities about what it means for a woman to try to work and to try to have a family and raise that family competently and well.

The feminization of poverty, as far as I understand it, means that most poor people are women and children and very soon if present trends continue, most women and children will be poor.

One of the major reasons for that is the lack of child care that we provide that is good and affordable and the fact that women are forced to choose between having children and having a job.

Here are some facts that may be of interest to you. Among low-income public housing residents in Boston about 2 years a survey was conducted among women, many of whom wanted to go to work but were raising children, and 45 percent of them found that lack of access to child care was the main reason, the main obstacle to employment, so they were virtually forced to remain on AFDC and could not work, even for those who wanted to, which was the majority in this survey. And this was done by the Boston public housing to publish a report on the need for child care in this area on that basis.

Less than 40 percent of women have access to parental leave that is employer provided whether or not it is paid, and a negligible number of men—it is less than 5 percent—have adequate or any leave at all, meaning even 2 days unless you bring foresighted or are lucky enough to save some of your sick time or vacation time, and you cannot always use it for this. They do not give maternity leave at all.

Less than one-quarter of parents in Massachusetts where there is a lot of child care, relatively speaking, can find what they can afford at a quality that they can tolerate as parents and of low-income parents it is more like 1 in 10 who can find subsidized slots. Even though the State does provide money for child care for low-income families, only 1 in 10 can find it of those who are eligible, because there simply are not enough facilities and they are not enough slots.

The first speaker today talked a little bit about child care workers and their wages. And I thought I would underscore that a little more at this point. Because they are mostly women, over 95 percent, because of the second lowest paid occupation in this country and because they are the backbone in the way of the entire female workforce of my generation that has gone to work and tried to raise children without whom we could not function. Because they are mostly women and because we value children so little and because there is so little public employer support for child care, most of them are paid minimum wage or slightly above, which has direct bearing not only on their lives and their abilities to survive and raise families, but on our lives as parents who children they care for.

The turnover among child care workers in this State, and I keep saying this is a good situation, is 35 percent for child care center

dayworkers a year and over 40 percent for family and day care providers who take children into their homes in small groups. That is the most commonly used form of child care.

And what that means is that a child is seeing constant turnover, constant succession of new faces. It has a severe impact on quality and they are not being replaced. Young girls are not coming up from schools and then deciding to go into child care. Young boys have never been because it does not pay enough to pay back the education and all the loans they have had to take out to train to be child care workers, let alone the continuing education that they require to stay abreast in the field and be recertified.

And the supply is dwindling and, in fact, the day care centers I know are fighting over the same shrinking pool of child care workers. There is a sort of—what do you call it—musical chairs for the same small pool of workers. And we are fast approaching a crisis where children are going to have less than adequate care, even if they—even if centers can meet licensing standards because centers are having to settle for whoever they can hire.

How does this impact women's equality and women's discrimination? Very, very directly. Whether we work, or whether we are home with kids we are economically disadvantaged severely by the lack of child care and the lack of parental leave, both from the assumption that we will have children and we will have to find care, and the reality that often we will, and we will not be able to afford it. Or if we cannot find it, we will not be able to work.

Women really feel, damned if we do and damned if we do not at this point, because we have to work and we cannot.

There are several articles in the convention that speak to this issue indirectly. There are 5, 11, 12 and 13, little pieces of which talk about the need to socially—the social responsibility for child care; the need for paid parental—it says maternity leave, actually; and stuff about equal responsibility for children within the family. I applaud all such language.

I think there are not only things that this country needs to learn from other countries, as I said before, but actually there are things that the United States has to offer that by ratifying this treaty we could sort of add to the implementation of this convention, because in the United States for better or worse or with or without child care, women are pretty fully integrated into the economy by now.

In our generation we may be in the lower paid jobs, we may be in the service sector, and we may be more segregated than we like, but we are there in the workplace. In other parts of the world women are actually more marginalized in part-time jobs, mostly in the public sector, and that is possible only because of the provision of child care, but it is also made possible by the fact that women can get such jobs.

In this country we do have the fact that women are in the workplace and we need to provide the social supports and policies and programs that make it possible for us to survive. Women may be in the workforce; it is our families and lives and our childraising that our suffering.

If I read one more story in the popular media about hurry sickness, or the stress on families, or how to manage my time better as a parent I think I'll scream, because most parents I know are at

our limits already and don't need better stress management, we need more support from our Government.

We also need to share the work with our fathers, our husbands, our partners. That is also something that the convention speaks to. I think it comes under education as well—the need to educate both boys and girls to their future parenting responsibilities, and even if they don't become parents, to their obligations as members of society to look toward and support the care of children.

This has always fallen on women historically in this country and among others. It still falls largely on women and that is the common perception—that child care is a woman's job. Whether it is in the home or out of the home it is a woman's job. That cannot be true if we are going to have equality in the workplace or in the home.

We have got to make it possible for men to want to grow up and take care of children and more and more fathers are—I mean, to their credit. But we need to get the programs in place that actually make it possible for them to do that. So, it is a two-pronged thing. Make it possible for women to raise children and work and do the same for men.

I love this convention because it tries to do that. I suffer the same pain others have expressed today in seeing how big the gap is, actually, between our country's policy and practice and what the convention just recommends as minimum basic guidelines and what I like about it is, it makes what have commonly been construed as private issues—family issues that are a personal problem for a family to deal with on its own, or a woman to deal with child care as just her individual problem—it puts it out as a social and public issue.

That is where it needs to be on the agenda in this country and that is why it belongs in a convention such as this one. I will second everyone else today and say I wholeheartedly recommend ratification of this convention and in particular because of the really outstanding job it does in delineating concretely what we need as far as raising children and making it possible for women to be equal.

Thank you for letting me speak today.

Senator KERRY. Thank you very much each and every one of you for a very articulate series of statements. I think it has been very helpful in laying out a number of different issues which I will comment on in a moment.

We are running a little late here in terms of the time. Therefore, there is one question I want to ask each of you to comment on and maybe a couple of others. But I do want to ask you each to submit to us, if you can just in writing because I would like to include it in the record, an answer in your fields or generally, those areas where you most feel immediate action is required. You have obviously addressed the child support, child care, parental leave, and so forth.

But I would like to get each of you to set out where you think the most immediate responses would be needed by Federal Government or States in order to eliminate forms of discrimination which are of the greatest concern. It may be that you will only want to deal with it in terms of health care; you may only want to deal

with it in terms of the legal system, or the home—whichever—and I am not asking you to reach out beyond areas of expertise.

But it would be helpful for us to have a sense of what you as practitioners feel and as people who are living it day to day understand would be those areas where, if this were to be law, immediate actions may be taken or ought to be taken. I am trying to get a sense of the top level of priorities that you think we need to respond on.

But my question that I would like to have perhaps each of you comment on, if you want to or care to, is in 1979 an administration saw this as important. We were still talking about an equal rights amendment. We were in that process.

A President signed this and sent it to the Congress and suddenly for the last, certainly, 7 years, issues about comparable pay, child support, discrimination against women, and all the things that were on the agenda have just disappeared from the front burner and it has been a struggle for us down in Washington and we will get child care, incidentally.

I am confident we are going to get a child care program and even some form of parental leave. However, I think we have gotten caught up in the politics of the last moment, with the exception of child care, which seems to have caught on, and other notions which heretofore have been at the forefront of our process.

Now, I know all of you are going to say "Well, it has a lot to do with leadership and the President and he has been absent on the issue." Let us leave that one out, and tell me if there are other reasons beyond this which has made this less of a concern than it ought to be.

And I have a sense that perhaps maybe it is a response—maybe it is a result of discrimination—but women who are sensitive to it and used to be deeply concerned about it seem to have backed off somewhat. Perhaps you could address that whole question. I do not know who wants to begin.

Ms. MAGED. I will state for a moment the issue of leadership, although within the parameters you set out, Senator Kerry I will leave out the President for a moment.

Senator KERRY. Before you answer, let me say that Elaine Binder has to take a plane to Washington. Before she leaves, do you want to make any last comment?

Ms. BINDER. The only comment I make is that in having listened to the witnesses speak very eloquently on all of the issues I am even more concerned that there is not a hue and cry across the country for the ratification of this treaty and I am very grateful to you, Senator Kerry for having held these hearings.

But I do not think the job must stop in this room and I think it is really incumbent on not just you, but your constituents and the constituents across the country to press forward on every one of these issues and to let the Members of the Senate—the Senate Foreign Relations Committee and the Senate itself—know how important the ratification of the treaty is just to set what you call minimum standards.

But going beyond that, this will not be sufficient we will have to change all of the areas that need to be changed. But it certainly is a very important first step.

I am very grateful for the opportunity to participate in this, and I hope this is the first of many.

Senator KERRY. Thank you. Before we wrap up, you were going to tackle that I think, Gladys.

Ms. MAGED. Well, I will leave the President and the former administration out of it. I do want to validate that leadership like yours—in other words, leadership throughout the Government—is extremely important. It does make a very big difference.

I had never read this treaty. Although I knew about it, I never read it. I had never seen it until I was sent materials to prepare for it today and I have influence over a lot of other women.

I do think that I want to underscore how important it is that you did this, but that you could have continuing effect by—one thing specifically would be to align with the major women's organizations locally and nationally around these kinds of issues and constantly empower people by letting them know that the Congress—that they will have your ear; that they will be influential to you. I know your office already does that but I want to underscore how important it is. It really does make a difference to us.

Because I think one of the things is, the hard times that women have been hit with economically in the last 8 years have left people feeling disempowered; that they're political activism comes second to survivor issues and people are feeling discouraged and disempowered. Even if you can't put all the economic things right immediately, in the meantime there is a psychological aura of letting people know that their influence on you will make a difference. It makes a big difference to us.

Senator KERRY. The defeat of ERA clearly was a major undermining of that energy, was it not?

Ms. MAGED. Yes.

Ms. SWENSON. In 2 minutes it is really hard to be concise. I feel as if we really have allowed the oppositions to frame the terms of the debate. We have allowed a certain climate that bespeaks silence to take over.

As somebody who grew up in the 1950's I think it is absolutely extraordinary that the engine of public relations—that the forces from the right have been able to hire and implement has done every bit as effective a job as the McCarthy hearings did in making women feel defensive about their own entitlement, and I do not see the capacity for outrage and indignation that ought to be coming.

Now, part of that is because women do not have the leisure any more and I think we have all documented that. What the birth of feminism did was give women permission to spend some of the time they had discussing the realities of their lives and speaking about them and writing about them and showing them to the world.

Now we do not have those hours any more. We are out there just barely making ends meet and not having what I think is proper leisure even for mental health, let alone entitlement to some other things. So, that is certainly part of it and therefore leadership is indispensable.

But I think something can be done about that climate and I do not know how to do it, but I do think—and I will come back to health because that is my turf—that women need some better reas-

surance than they are getting from the system as it exists. Their bodily integrity is something that they are fully entitled to and they will have to be taught that.

I do not know how many of you heard that survey of kids in Rhode Island—the young women that felt if a young man had spent money on them out on a date that he was therefore entitled to their sexual services. I mean, this is a climate—you know, I did not grow up in exactly a puritanical era but we understood something about our personhood that made that absolutely out of the question.

I think we have to be very specific and I think silence is the most destructive force we have. I think we have to find ways to have public forum to discuss violence against women in all of its forms and how that relates to the rest of public life. I do not know who is going to sponsor them, but we are ready. I think it has to be done.

Senator KERRY. I want to express my appreciation to all of you. Let me just say to you that I will see to it that the members of the Foreign Relations Committee really get this record of today under my personal cover and with a recommendation that they take note of it. We will certainly raise with the chairman the question of any possibilities of at least discussion within the committee soon of how one might conceivably proceed in trying to raise this.

As you know, there are individuals on our committee who will find and have stated objections to certain aspects of this convention and there may be certain ways to work that out. I do not know. I think we should certainly try to do so in a reasonable way.

But I want to confirm to all of you that what you have done today is underscore and perhaps even begin a process of renewing some focus on these critical issues. While the treaty may or may not proceed forward it is certainly clear that there is nothing to stop us from heightening our effort with respect to individual areas where legislation would be needed anyway in order to come into compliance with a treaty.

And so to the degree that we can affect inequities in the court system, problems with what happens in the division of property, or problems of Social Security investing and payment process over earnings over the years and longevity for women versus men and the fact that they are impoverished as a consequence and so forth, I think there are a lot of things we can do and that we ought to address. We are fortunate, the senior Senator from Massachusetts is nevertheless in a very powerful position of the Labor and Human Resources Committee and also has ranking Democrat on the Judiciary Committee. His concern on these issues would be very helpful with respect to them. So, I look forward to making an effort on a number of those fronts and particularly on child care, which is my priority in terms of the social field and what we ought to try to move forward very early this next year and I hope we will.

But I am appreciative to you for your testimony. It has been very quality testimony and very, very helpful.

You see these two mysterious people behind me. They are not bodyguards. This is Dave Keaney, who is counsel to the Foreign Relations Committee, who has come from Washington to assist us and Dick McCall, who was in the State Department as Assistant Secre-

tary of State during the time this treaty was negotiated and who now I have the privilege of working for. He is my top foreign policy advisor and really a terrific person and very helpful on these kinds of issues, and I thank them.

Also, I want to thank the members of my own staff who helped and worked so hard to put this together—Vanessa Householder right here who has really helped—been an essential figure in this and many of you have gotten to know, and Mary Anne Marsh who is back there against the wall; Bonnie Cronin; Jeanette Boone; Chris Greeley; Paul Nissenbaum; Jim Shaer; all of whom one way or the other—Carmen Velazquez—all of them have done a terrific job, and I express appreciation to them.

So, thank you all for coming and your interest. Thank you for participating and this hearing is adjourned.

[Whereupon the hearing adjourned at 12:45 p.m., to be reconvened at the call of the Chair.]

APPENDIX

Testimony of Judith Nelson Dilday
Senate Foreign Relations Committee Field Hearing
December 5, 1988

Senator Kerry, Lt. Governor Murphy, distinguished members of the dias, panelists and members of the audience.

I am delighted to represent the Women's Bar Association at the Senate Foreign Relation Committee Field Hearing. The Women's Bar Association has about 1,200 Massachusetts Lawyers as its members.

We urge the Senate to give advice and consent to ratification of the United Nations Convention on the Elimination of all forms of Discrimination Against Women. There have been many other international conventions of the rights of women and the United States has lagged far behind other progressive nations in the number of these treaties signed and ratified.

The conventions are important in providing basic concepts and a framework for necessary legislative action. Governments which ratify conventions in principle agree to be legally bound by the terms of each covenant and to take specific actions to comply with their provisions.

According to Women . . . a World Survey by Ruth Sivard "Over the postever period, and particularly in the last decade, there has been a significant change in laws affecting women's rights and status. Most countries have already moved to establish constitutional or legislative provisions asserting the equality

of the sexes and guaranteeing equal rights to both women and men. Constitutions and laws have been changed to define the scope and content of sexual equality. Now the emphasis is on translating these principles into programs that can redress centuries of discrimination.

The objections are both to correct laws and practices that are discriminatory and to promote equality in an affirmative way, especially to ameliviate the conditions of the most disadvantaged.

Women are not oppressed by Nature or by God, or divine law. They are oppressed by man made societies.

The United State must take a positive role in bringing down the barriers to opportunity that exist inn all societies. We need to ratify this treaty and focus public attention on the imbalance in current laws in order to ensure the recognition in law and in faith of the principle of equality of men and women.

I participated in the United Nations Conference in Nairoli at the End of the Decade of Women. The stated goals of that Decade were Equality, Development, and Peace. We were made aware at that time that women made up 50% of the world's advet population, and 30% of the world's workforce, performed 60% of the world's work yet earned 10% of the income and owned .01% of the world's property. The discrepancy in these statistics is due to laws and customs that discriminate against women.

The cause of peace, the full and complete development of any country and the welfare of the world require the maximum participation of women on equal terms with men. We cannot afford to ignore so much talent.

My appearance today is to speak specifically about Article 15 of this treaty.

Article 15 states:

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.
3. States Parties agree that all contract and all other private instruments of any bind with legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.
4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

President Carter's letter of transmittal to the Senate dated November 12, 1980, indicates that the great majority of the substantive provisions of the Convention are consistent with the letter and spirit of the United States Constitution and existing laws. And that the Departments of State and Justice indicate that with the adoption of certain qualifications and possibly, appropriate implemented legislation, there are no constitutional or other legal obstacles to United States ratification.

In Massachusetts the Equal Rights Amendment was ratified on November 2, 1976. In 1975, a Special Study Commission was established by the Massachusetts General Constitution to review state statutes and recommend changes which would bring Massachusetts statutes in conformity with the mandates of the federal and state ERA's. In view of this fact, the Convention would have little effect on Massachusetts. But we have not sufficiently addressed the issues of violence against women or women's access to the legal system.

In some countries, however women have the status of minors. They cannot transact any business, write a check, open a bank account, get health care, or make a contract without the permission and/or participation of a husband, son, or male relative. Article 15 deals with this problem in section 2.

Patterns of landholding in many societies are biased against women. Inheritance laws and systems of community property ensure that women do not get fair treatment. In countries where land passes from one male relative to another a widow does not inherit her own house when her husband dies. She can be evicted and have all of her possessions taken from her by her brother-in-law who then may not have the resources or the desire to support her and her children. Article 15 addresses this issue in Section 2. Support of the Convention will increase efforts to make family law more equitable with regard to inheritance.

Duality in legal systems and the artificial distinctions between public and private lives serve to discriminate against women. These evils are addressed by the convention. Article 15 Section 1.

Many countries have more than one body of law used to implement justice. This usually stems from the system of colonization of countries who already had legal systems and customs in place. The colonizers imposed their system of laws in the public or civil sphere, but often allowed pre-colonial laws and customs to be used in the so called private sphere which relates to marriage, divorce, inheritance and family law. These dual systems are further complicated by the existence of several bodies of religious laws and customs. Generally, men, being better educated and having more access to legal advice, forum shop among the myriad of legal systems to find the one that is most beneficial in a given situation. The laws are written by men for the benefit of men and their dominance over women and the result is that women usually lose. Changes in the Constitutions of these contracts relative to equal rights of men and women often only touch the state or general laws and have no effect on laws in the private sphere. If implemented, the Convention would have a great effect on such practices, by allowing women to become educated and by requiring the discriminatory laws to be changed.

This convention is an important advancement in the law of human rights. The United State needs to stand tall and play a leadership role in international politics and ratify this Convention. It them must act in good faith to live up to its obligation.

Testimony: December 5, 1988

Rosemary Dunn Dalton, M.S.,M.S.W.
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Greater Boston Lesbian & Gay Alliance
(former chair, 1985)
Co-editor, Lesbian Psychologies,
University of Illinois Press, 1987

MY NAME IS ROSEMARY DUNN DALTON AND I AM HERE TO SPEAK ON BEHALF OF LESBIANS. GAY MEN AND LESBIANS REPRESENT 10% OF THE POPULATION.

BUT I COME HERE TODAY WITH A HEAVY HEART, FROM A COMMUNITY DEEPLY IN MOURNING, OVER THE SAVAGE MURDERS OF OUR TWO LESBIAN SISTERS, MARTHA ALSUP AND SUSAN GALVIN. THESE TWO NEW ENGLAND LESBIANS WERE STABBED AND STONED TO THEIR DEATHS LAST WEEK WHILE VACATIONING IN THE CARIBBEAN. WE ARE OUTRAGED! SO INTIMIDATING IS LOVE AMONG WOMEN THAT "DISCRIMINATION" MEANS DEATH.

Adolescents

I AM HERE ON BEHALF OF VERY YOUNG LESBIANS, ADOLESCENTS; WHO, FRIGHTENED AND WITH NO AFFIRMATION FOR THEIR HOMOSEXUAL FEELINGS, ARE TRACKED INTO HETEROSEXUAL ROLES, INCLUDING HAVING SEX WITH BOYS. AND FOR THOSE WHO RESIST AND ARE PUNISHED, HARRASSED, CALLED "DYKES," "QUEER," AND ARE PHYSICALLY ABUSED. THESE GIRLS ARE DISCRIMINATED AGAINST BECAUSE THEY ARE DEPRIVED OF A VISION OF THEMSELVES AS STRONG, WHOLE WOMEN. SCHOOL CURRICULUM DOES NOT INCLUDE LESBIAN AND GAY SEXUALITY, LESBIAN AND GAY HEALTH. WE SEND A MESSAGE TO OUR YOUTH THAT TO BE LESBIAN OR GAY IS NOT ACCEPTABLE, NOT POSSIBLE, AND DESPAIR, UNHAPPINESS, AND SUICIDE RESULT .

Adults

IN A RECENT FEDERALLY FUNDED SURVEY OF NEARLY 2,000 ADULT LESBIANS,

IT WAS FOUND THAT DEPRESSION AND STRESS PREVAIL, OFTEN BECAUSE OF MONEY DIFFICULTIES AND WORRY ABOUT LOSING THEIR JOBS. THREE OUT OF FOUR OF THE RESPONDENTS SOUGHT MENTAL HEALTH COUNSELING TO DEAL WITH FINANCIAL WORRIES, DISCRIMINATION, RELATIONSHIP ISSUES AND OTHER PROBLEMS RELATED TO THEIR LESBIANISM. ONE IN FIVE REPORTED THINKING ABOUT SUICIDE; ALMOST ONE IN FIVE HAD MADE AN ATTEMPT TO KILL THEMSELVES. IN SPITE OF THEIR HIGH INVOLVEMENT IN COLLEGE EDUCATION, ONLY 4% MADE OVER $40,000 A YEAR AND 64% MADE LESS THAN $20,000. FIFTEEN PERCENT SAID THEY HAD LOST JOBS BECAUSE THEY WERE LESBIAN; HALF INDICATED THEY HAD BEEN HARRASSED BECAUSE OF THEIR SEXUAL ORIENTATION. SIGNIFICANTLY, ALMOST ONE-THIRD SAID THAT NO ONE THEY WORKED WITH KNEW THEY WERE LESBIAN; 17% SAID THEY WERE "OUT OF THE CLOSET" AT WORK. (Boston Globe, July, 23, 1988, p. 1 & 17.) BEING "OUT" IS A SELF ESTEEM ISSUE; DISCRIMINATION AND THE LACK OF CIVIL RIGHTS FOR GAY AND LESBIAN PEOPLE PREVENT LESBIANS FROM LIVING OPENLY. OUR COUNTRY REPRESSES A HEALTHY SENSE OF SELF IN ALL LESBIANS AND DISCRIMINATION IS ALWAYS MANIFEST IN HEALTH ISSUES.

FORTY-ONE PERCENT OF RESPONDENTS TO THIS SURVEY REPORTED HAVING BEEN SEXUALLY ABUSED. THIS FIGURE CORRELATES WITH WOMEN IN GENERAL: ONE IN FOUR WILL BE ASSAULTED, ACCOSTED, MOLESTED, BY THE TIME SHE IS EIGHTEEN (DEL MARTIN, BATTERED WIVES, 1976). HOWEVER, LESBIANS ARE RAPED BECAUSE THEY ARE LESBIANS - WHICH MAKES THE RIGHT TO CHOSE AN ABORTION A LESBIAN ISSUE.

NEARLY ONE-THIRD OF THESE LESBIANS HAVE BEEN PREGNANT, ONE IN SIX IS A MOTHER. THIRTY-THREE PERCENT OF BLACK LESBIANS HAVE AT

LEAST ONE CHILD. YET, NO WHERE IN PUBLIC HEALTH HAS A COMMITMENT BEEN MADE TO NURTURE AND PROVIDE SPECIFIC SERVICES FOR LESBIAN MOTHERS AND THEIR FAMILIES. LESBIANS, WHO HAVE UNIQUE HEALTH ISSUES, ARE NOT AFFORDED QUALITY HEALTH CARE BASED ON THEIR NEEDS AS LESBIANS, LIVING OUTSIDE HETEROSEXUAL NORMS.

Older Lesbians

WOMEN MAKE UP A LARGE MAJORITY OF HOMELESS; MANY ARE OLD LESBIANS. HAVING BEEN STRIPPED OF INHERITANCE AND HAVING LIVED THEIR LIVES INDEPENDENT OF THE MONEY OF MEN - THE MAJOR LINK TO FINANCIAL SECURITY - THESE LESBIANS MIRROR THE CULTURE'S DISRESPECT FOR WOMEN WHO ARE NOT CONSIDERED "USEFUL." MAJOR HEALTH ISSUES AFFLICT AGED LESBIANS, INCLUDING DEPENDENCE ON DRUGS AND ALCOHOL, WHICH ESCALATES AFTER AGE 50, AS IT DOES FOR WOMEN IN GENERAL.

Diversity

LESBIAN AND GAY PEOPLE ARE STRONG, VALIANT, IN THEIR FIGHT AGAINST HOMOPHOBIA; WE ARE DIVERSE IN OUR CULTURE, FROM ALL CLASSES, AND PROFESSIONALLY INTEGRATED INTO SOCIETY; WE ARE VOTERS AND POLITICALLY ACTIVE AS A GROUP. AS LESBIANS WE ARE GRAVELY IMPACTED BY AIDS IN ITS DEVASTATION OF OUR FRIENDS AND LOVED ONES. AIDS IS OUR ISSUE, IT IS A COMMUNITY ISSUE. WE VIEW ANTI-DISCRIMINATION LAWS TO PROTECT THOSE PERSONS INFECTED WITH THE HUMAN IMMUNODEFICIENCY VIRUS (HIV) AS A NO.1 PRIORITY IN OUR QUEST FOR EQUALITY.

AGAIN, THANK YOU FOR THIS OPPORTUNITY TO SPEAK. PLEASE SEND FOREWARD THE CRY FOR JUSTICE; LESBIANS AND GAY MEN HAVE ENDURED THE VIOLENCE AND HATRED OF THIS SOCIETY LONG ENOUGH. AS A BEGINNING, WE MUST HAVE A NATIONAL GAY AND LESBIAN RIGHTS BILL PASSED; WE MUST HAVE STRONG ANTI-DISCRIMINATION LAWS RELATIVE TO HIV INFECTED PERSONS.

THE UNITED STATES CAN BECOME A MODEL FOR ALL NATIONS IN AFFORDING REAL JUSTICE FOR ALL. BY SIGNING ON TO THE UNITED NATIONS MANDATE AGAINST DISCRIMINATION DIRECTED TOWARD ALL WOMEN, THAT COMMITMENT CAN BEGIN TO BECOME REALIZED. THE QUALITY OF LIFE CAN BE MEASURED BY OUR TREATMENT OF THE LEAST VISIBLE OF ALL WOMEN AMONG US, LESBIANS.

STATEMENT OF LAURIE SHERIDAN, COMMUNITY ORGANIZER, PARENTS UNITED FOR CHILD CARE, BOSTON, MASSACHUSETTS

"Sex Roles and Raising Children"

This panel is a really hard act to follow, but, as the last speaker, I want to talk today not as a member of a very distinguished panel of guests, but as an ordinary mother. I think that all of us here are exceptional people who share some degree of privilege and power, and varying degrees of wealth But I want to speak about people who are not here today, because they have to be at their jobs, and to speak for those women who are working women, whether in blue- or white- or pink-collar jobs, or who work at home, or who may work both at home and in the workplace. I have been one of them, which is why I want to speak for them. But I am also speaking for them here, because they are the majority of women in our country who will benefit from the ratification of this U.N. convention if we are lucky enough to see it adopted.

I am speaking on the subject of the need to eliminate discrimination against women in sex roles and raising children; these issues are addressed in the preamble:

> Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

as well as in articles 5 b), 11 2), and 13 (see full citations at end of testimony).

The pertinent articles of the convention address the role of maternity and childrearing in discrimination against women. At present, this burden

falls disproportionately on women. But it takes two, to make a family and and financial supports, in particular the need for adequate parental leave and child care services. Both are necessary for women's continued participation in the workforce and the economy, so that women do not continue to be economically disadvantaged by maternity and childrearing. They are also necessary in order to achieve real equality within the family.

The convention is not very detailed in these regards, but it goes beyond what is commonly available in the U.S., yet only suggests a minimum subfloor or protecting women against discrimination because of motherhood. It contains a rudimentary family policy that nearly all other nations espouse, by supporting the welfare of all women and children, not just "welfare" for the very poor on a grudging, deficit model, as we do in our country, but as a basic right of all families. Its articles if adopted would make it possible for women to continue work to support their families, and to make raising children a job for both sexes, and a social responsibility. It would mark a great advance over the old-fashioned and discriminatory perception that childrearing is a "women's job' and wage earning is a "man's job," and never the twain shall meet. In other words, the convention would force recognition of what is already a changed reality in this country: most parents are working parents. The present model that persists from the past, of a male wage-earner with a mother at home caring for children, and the adequacy of a single (male) "family wage" capable of supporting the whole family, have long been things of the past. Yet our legal, social, and political system has not yet caught up. In particular, it ignores women's necessary caregiving work, both inside and outside the family, as socially and economically necessary to the reproduction of the present and future labor force.

Ignoring this work by women, and yet obliging most women and mothers to work outside the home, has caused increasing stresses for women and our families. In our current situation, raising children is often a crushing social and economic burden for women. This situation cannot be good for women, children, or families, or our whole society. And yet women will continue to have two jobs: in the workplace and in the home. It is the obligation of our government to help make this situation easier and bearable. The need is already there. The U.N. convention would help us in the U.S. catch up with this new reality.

The convention also makes a great advance in addressing the need to educate both boys and girls about their future responsibilities as parents, and to set conditions for their equal and full participation in family life.

I want now to tell a story as an ordinary mother. This story is about my daughter who turned three this Saturday, my youngest child. She has two older brothers, and so she sees a lot of male role models besides her father. When I ask her what she wants to be--and believe me, this is the truth, although she is not here to testify--when I say, "Bethy, what do you want to be?" she says without hesitating, "I want to be a boy." Then when I ask her why, she always says "Boys have more fun. Girls have too much work." And my first reaction as a mother is to think, "What have I done wrong?"

My second reaction is to think "Good for you, honey, you already know a lot about the world," and my third reaction is to think, "But what is you life going to be, and girls of your generation? Has so little changed? I know what I have gone through. What will you face?"

What does this story have to do with the U.N. convention before us? I want my daughter to grow up in a world where girls can have fun, too, and where she can feel that what she does, as a mother and out in the world, is valued. I want her to be able to raise children and to do meaningful, productive work; to be a mother and not be penalized for it, and not be penalized as a mother for working. I want her and her generation to "have it all"--not to have everything, or unrealistic things, but to have that "all" that men take for granted: work and family, without a life of poverty for herself or her children.

I cannot fully discuss this with her yet, since she is only three, but I will have to, because I know what she is going to face unless we see changes such as those this convention mandates. In all likelihood, if she is a mother, she is going to be a working mother. If she is working, she will not be able to find child care, or will have great difficulty finding or affording child care. Or else she is going to have to not work and be home with the children. And if she cannot find child care in order to be able to work, whether she is single or married to a male wage earner, she is going to suffer severe economic disadvantage by being home and not working.

If she is working and becomes pregnant, she is very unlikely to be able to take any time off from work without risking losing her job and all the benefits that in our society are attached to having a job, for women as well as for men. So this stark choice will face her when she grows up: she will have to make the impossible choice between working and having children. And she will probably need and want to do both.

I just want to add at this point that I have raised boys, too, who are somewhat older, and I realized today that no one has yet mentioned why this convention is in the interest of boys and men. Because I spend a lot of

time raising boys and talking with them, I thought that actually a convention recommending the elimination of discrimination against also is in the interest of the men in our country, who do not necessarily have the legal and economic conditions that would enable them to be good parents, either: to participate both in child rearing and in being productive members of the economy who support their families. So I want to put in a word for them as well.

I would like to focus on child care and parental leave, which among the things in this convention are the things probably the most conspicuously lacking in our national legislation and even in our state legislation in Massachusetts. I will second-guess questions you might ask later about what legislation already exists that might make this convention redundant, and say at this point that parental leave and child care are certainly cases where this convention is far ahead of what the United States has incorporated into legislation at this time. It may be a problem that the U.N. convention goes beyond what we already have; but the it is the fact that we do not yet have these rights in the United States that is really the problem.

I work as a community organizer for Parents United for Child Care, a year-old Boston-based organization of parents which we started, frankly, to facilitate a grassroots movement of parents which is already happening across the country. Many parents are feeling desperately the lack of good child care, parental leave, and other policies and programs that would make it possible to be good parents and to work. What I do is organize low and moderate income parents who feel the need for that; and that is most of us, frankly.

We have been working for a couple of years in Massachusetts to win parental leave. As you all know better than I do, we did not succeed this year in getting Federal legislation for parental leave, which is not to say it is been taken off the agenda for many of us. Child care has suffered a similar fate. In Massachusetts, we are better off than most states in this country in terms of regulation, public support, and even wages for child care workers, which is a profession that most other working women absolutely rely on for our very livelihood and our survival. But we have a long way to go in this state. We have an even longer way to go in the country as a whole, and we are not making much progress. Since we did not succeed in passing the Act for Better Child Care, or any other proposed national legislation this year that would help to fund the whole child care system in this country, we have to try again.

I think that the Convention itself can partly serve the symbolic function of setting at least minimum standards and minimum guidelines for both of these areas: child care and parental leave. We should be discussing what it would require this country to put in place which we don't presently have. I can only think the convention would help us as far as legislation that we desperately need anyway.

It is important to realistically compare the U.S. to the rest of the world, and the convention forces us to do that. When I first read this convention, I thought that it would be one of those documents that we in the U.S. would sign to tell the rest of the world how to live because we are better and know what's good for them. But when I actually read the convention, I was surprised. I realized that in it are standards and policies that other countries have had for years, at least as far as child care and parental leave are concerned. This is a case of the U.S. needing to come into

compliance with minimum international standards which almost every other country in the world already has had for years, and which I would dearly love to see in my own country.

I spend a lot of my time talking to groups of parents about what they would like and what they need. What I have found is that when I mention that we are the only country in the world that does not have a national policy supporting parental leave or child care, that is, the only country in the world with the single notorious exception of South Africa, it shocks me over and over again, and it shocks the audiences I speak to, because it is so stark. The South Africans are such terrible bedfellows to have, frankly in terms of family and social policies, that I am really tired of having to point this out. I would welcome the day when I could stop saying those words: "The U.S. and South Africa are the only countries in the world which do not have national family policies that make it possible for women, and parents in general, to parent and to work."

All we really have in this country, aside from the very broad legislation around civil rights and sex discrimination that people have already mentioned, is the Pregnancy Discrimination Act of 1978, which prohibits discrimination on the basis of pregnancy, but really only means that women can't be fired for being pregnant. Under that law, if your employer has a disability insurance plan, then you would have to be included for pregnancy along with everything else. But there is no requirement that your employer have such a policy, so if they don't, you are out of luck. You then have no right to take time off, let alone to any pay, when you leave work to have a baby. This is the situation of most new mothers in our country.

In Massachusetts, new mothers have eight weeks of unpaid leave mandated by state law, which until recently put us ahead of most states. In

some states you can be fired for taking time off to have a baby. Even in Massachusetts, eight weeks is really minimal; it is nowhere near enough. It doesn't provide any rights for fathers, who often need time off to help care for a new child, to bond as a family, and frankly, to share in the upbringing of children. And that is why I said earlier that I think that men are actually disadvantaged by the lack of these protections in some ways. It is made very hard for men to participate equally in child rearing. It is made hard to them to become fully part of the family unit. They are supposed to stay away from their babies because their role is legally confined to that of breadwinner. So, even in Massachusetts we have a long way to go, and I hope that we will make some legislative progress in the next few years. But it is a tough fight.

Child care and parental leave are inextricably linked for some very practical reasons. I know from my own experience, that if you cannot take a good parental leave, or afterwards even if you can, you then have to find infant child care. And that does not exist, either--only on a very small scale, and what little there is is very, very costly. The average costs in Massachusetts for infant child care are in the area of $120-130 a week, and often more. That is as much as many young mothers' whole paycheck. And even at that price, you usually cannot find it.

When I was looking for child care for my baby three years ago, there was only one child care center in the entire Boston area that accepted infants at the age of three months. It was a good center, but it had a two-year waiting list, and it cost $130 a week, which was half of my income at the time, so I could not use it. I finally found a family day care home; I was lucky. That is better than what most women in this country face when they have a baby in other states. Infant child care is barely available and

parental leave may be even shorter than three months, if anything. So you are between a rock and a hard place. No parental leave and no infant child care means: no job and no income.

Now, if you have no access to parental leave and you have no access to infant child care, you lost your job. And when you lost your job, you lose your health insurance. Very likely your seniority is gone, and that determines you future pension rights, your rights to promotion and your future on the job, let alone your right to return to your job at all, which determines your future income. Is it any wonder why women with children end up on welfare? Often it is the only way to raise and support children, even for women who would rather be working.

So, behind a lot of what it has become fashionable to talk about as the "feminization of poverty" in this country, lie some some very stark realities about what it means for a woman to try to work, and to try to have a family and raise that family competently and well. The feminization of poverty, as I understand it, means that most poor people are women and children, and very soon, if present trends continue, most women and children will be poor. One of the major reasons for that is the lack of child care that we provide that is good and affordable, and the fact that women are forced to choose between having children and having a job.

Here are some facts about that that may be of interest to you. About two years ago, a survey was conducted among low-income public housing residents in Boston, mostly women, many of whom wanted to go to work and get off welfare and most of whom were raising children as single parents. 45% of them stated that the lack of access to child care was the main reason, the main obstacle to employment, so they were virtually forced to remain on AFDC and could not work. The majority of women polled in the

survey wanted to work. This survey was done by the Committee for Boston Public Housing, who then published a report on the need for child care in this area on the basis of the survey. They are now developing child care centers in a few public housing projects.

Similarly, less than 40% of American women have access to parental leave that is employer provided, whether or not it is paid, A negligible number of men--it is less than 5%--have any right to time off from work at all when a baby is born, meaning that taking even two days off when your wife has a baby can cost you your job. A few men are very foresighted or are lucky enough to save up a few days of sick time or vacation time, but you cannot always use it for a new baby. Most employers do not grant paternity leave at all.

Less than a quarter of parents in Massachusetts, where there is a lot of child care, relatively speaking, can find what they can afford at a quality that they approve of as parents. For low income parents, it is more like one in ten who can find subsidized child care that would be affordable for them. Even though the state does provide some limited money for child care for low-income families, few of those who are eligible can find it, because there simply are not enough facilities and even fewer with state subsidies.

Lack of access to quality, affordable child care, while an immense problem with severe economic consequences for women, is only part of the problem. The other big problem is staffing, and this problem is also the result of sex discrimination against women in their role as employees as well as mothers. The first speaker today spoke a little about child care workers and their wages. I thought I would underscore that a little more at this point. Because they are mostly women (over 95%), and because child care is thought of as "women's work" and not very important or valuable, child

care workers are the second lowest paid occupation in this country. And yet, in a way they are the backbone of the entire female work force of my generation that has gone to work and tried to raise children; without child care workers, most of the female workers that our economic relies on, could not function. Because they are mostly women and because we value children so little, and because there is so little public or employer support for child care, most of them are paid minimum wage or slightly above; teachers in child care centers average about $15,000 a year; while family day care providers (in their own homes) average only $13,000 a year. Who can support a family on that? They also typically receive no benefits. This has a direct bearing not only on their lives and their abilities to survive and raise families, but on all of our lives as parents whose children they care for, and on the children themselves.

The turnover among child care workers in this state (and again I remind you that Massachusetts is a relatively good situation) is 35% a year for child care center workers, and over 40% for family day care providers who take children into their homes in small groups. That is the most commonly used form of child care, and almost half of our children's providers quit every year. And what that means is that small children are seeing a constant succession of new faces among the people who are probably the most important adults in their lives, after their parents. This has a severe impact on quality, and on children's lives. And these child care workers are not being replaced when they leave. Young people are not coming out of school and deciding to go into child care. As an occupation, child care does not pay enough to pay back the years of education, the loans students have had to take out to train to be child care professionals, let alone

the continuing education that they require to stay abreast in the field and be recertified.

And so the supply is dwindling, and in fact, the day care centers I know are fighting over the same shrinking pool of child care workers. There is a sort of musical chairs for the same small pool of workers. And we are fast approaching a crisis where children are going to have less than adequate child care, even if centers can meet licensing standards because centers are having to settle for whoever they can hire, and often staff is spread thin because of chronic staffing shortages.

How does all this impact women's equality and discrimination against women? Very, very directly. Whether we work, or are at home with kids, we are economically disadvantaged severely by the lack of child care and the lack of parental leave. We are often discriminated against both from the assumption by employers that we will all have children and will have to find care, and from the reality that often we will have children, and we will not be able to afford child care for them. And by the reality that if we cannot find child care, we will not be able to work. Women really feel damned if we do and damned if we don't at this point, because we have to work and yet we cannot.

There are several articles in the convention that speak to this issue indirectly. Articles 5, 11, 12, and 13 contain pieces which talk about the need to take social responsibility for child care; the need for parental, actually maternity, leave; and statements about equal responsibility for children within the family. I applaud all such language.

I think there are not only things that this country needs to learn from other countries, as I said before, but actually there are also things that the

U.S. has to offer that by ratifying this treaty, we could add to the implementation of this convention, because in the U.S., for better or worse and with or without child care, women are pretty fully integrated into the economy by now. In our generation we may be in the lower paid jobs, we may be concentrated in the service sector, and we may be more sex-segregated than we like, but we are there in the workplace.

In other parts of the world, women are actually more marginalized in part-time jobs, mostly in the public sector. In other countries that is possible only because of the provision of publicly-supported child care, but is also made possible by the fact that women can get such jobs. Most other countries do protect women at maternity and after, but often at the expense of full inclusion in the economy. In the U.S. we have the need and the opportunity to extend these legal protection to women and to men--to parents. We must include men in our expectations for sharing responsibility for raising children Many other countries don't; and women are still disadvantaged. This is what the U.S. can offer: a model of fathers beginning to participate equally in raising children. This will equalize men's and women's role in the workforce and in the family; it is also better for children. In this country we do have the fact that women are in the workplace. We need to provide the social supports, policies, and programs that make possible for us to survive. Women may be in the workplace; it is our families and our lives and our childrearing that are suffering. If I read one more story in the popular media about "hurry sickness", or the stress on families, or on how to manage my time better as a working parent, I think I'll scream. Most parents I know are at our limits already and don't need better stress management. We need more support from our government.

We also need to share the work more with fathers, our husbands, our partners. That is also something that the U.N. convention speaks to. I think it comes under education as well--the need to educate both boys and girls to their future parenting responsibilities; and, even if they don't become parents, to their obligations as members of society to look toward and support the care of children. This has always fallen on women historically in this country, among others. It still falls largely on women, and that is the common perception--that child care is a woman's job. Whether it is in the home as a mother, or out of the home as a child care worker, it is a woman's job. That cannot be true if we are going to have equality in the workplace or in the home.

We have got to make it possible for men to want to grow up and take care of children. More and more fathers are trying to do this--to their credit. But we need to get the programs in place that actually make it possible for them to do that job. So it a two-pronged need: make it possible for women to raise children and work, and do the same for men.

I love this convention because it tries to do that. I suffer the same pain others have expressed today in seeing how big the gap is, actually between our country's policy and practice and what the convention just recommends as minimum basic guidelines. It makes me ashamed for my country, to realize that we do not yet comply with articles that so many other poorer countries already take for granted; and angry that my country would be among the last.

A country that prides itself on the progress its women have made should be consistent in promoting that progress internationally and in admitting that there are areas where we can improve. We should not be afraid to be judged by an international standard which our progress helped

set. Yet these two areas, parental leave and child care are the two that stand out in the convention as areas where the U.S. still needs to make progress, just to catch up with the rest of the world. Just as employees, employers, and unions in this country are learning that this area needs much more attention and priority, the U.S. Congress should also acknowledge this very reasonable standard as set forth in the convention, and work to make the U.S. in compliance with it.

These are public issues, not just private problems. The fundamental equality of women depends on real legal and social equality in the area of childrearing. What I like about the convention is that is makes what have commonly been construed as private issues--family issues that are a personal problem for a family to deal with on its own, or a woman to deal with child care as just her individual problem--and puts them forward as social and public issues, as they truly are. That is where these issues need to be: on the public agenda in this country. And that is why it belongs in a convention such as this one.

I would like to second others here today and say I wholeheartedly recommend ratification of this convention, on my part in particular because of the really outstanding job it does in delineating concretely what we need as far as raising children and making it possible for women to be equal. Thank you for letting me speak today.

The relevant articles in the Convention to which I addressed my remarks are the preamble, and the following articles:

Article 5: States Parties shall take all appropriate measures:

a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the i inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 11 2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment seniority or social allowances;

c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

Article 13: "States Parties shall take all appropriate measure to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular;:

a) The right to family benefits

TESTIMONY OF NORMA M. SWENSON, M.P.H.

SENATOR KERRY, DISTINGUISHED GUESTS, MEMBERS OF THE COMMITTEE. GOOD MORNING. MY NAME IS NORMA SWENSON, AND I AM THE DIRECTOR OF INTERNATIONAL PROGRAMS OF THE BOSTON WOMEN'S HEALTH BOOK COLLECTIVE. I AM A FOUNDING MEMBER OF OUR NON-PROFIT ORGANIZATION AND A CO-AUTHOR OF SEVERAL EDITIONS OF THE BEST-SELLING BOOKS CALLED "OUR BODIES, OURSELVES", "OURSELVES GROWING OLDER", ETC. I AM ALSO A FORMER PRESIDENT OF THE INTERNATIONAL CHILDBIRTH EDUCATION ASSOCIATION AND HAVE BEEN ACTIVE AS AN ORGANIZER AND EDUCATOR ON WOMEN'S HEALTH ISSUES FOR ALMOST THREE DECADES. I HOLD A MASTER'S DEGREE IN PUBLIC HEALTH FROM THE HARVARD SCHOOL OF PUBLIC HEALTH, AND AM CURRENTLY CO-TEACHING A COURSE THERE ON "WOMEN AND HEALTH".

I AM SPEAKING TODAY IN SUPPORT OF THE RATIFICATION OF THIS EXTRAORDINARY TREATY, WHICH SO MANY OTHER NATIONS HAVE RATIFIED LONG AGO, FROM THE PERSPECTIVE OF HEALTHCARE ISSUES. THERE ARE THREE BASIC AREAS I WOULD LIKE TO FOCUS ON:
ONE IS THE DIRECT DISCRIMINATION AGAINST WOMEN IN THE HEALTH AND MEDICAL CARE SYSTEM ITSELF;A SECOND IS THE HEALTH EFFECTS OF DISCRIMINATION AGAINST WOMEN IN OUR SOCIETY; AND A THIRD IS THE DEFINITION OF HEALTH FOR WOMEN IN THE CONTEXT OF OTHER SECTORS OF OUR SOCIAL AND ECONOMIC SYSTEM.

REGARDING DIRECT DISCRIMINATION, I WILL NOT ELABORATE ON THE MANY DISCRIMINATION LAWSUITS WHICH PROFESSIONAL WOMEN HAVE BROUGHT AGAINST HEALTH INSTITUTIONS HERE IN THIS COMMONWEALTH; THEY ARE A MATTER OF RECORD, AND SOME ARE STILL PENDING. LOOKING AT THE NATIONAL FIGURES, WE STILL SEE WOMEN'S ENROLLMENTS IN MEDICAL SCHOOLS HOVERING AROUND 40%, WELL BELOW THEIR PROPORTION IN THE POPULATION, AND WE STILL HEAR MANY REPORTS OF OVERT AND COVERT DISCRIMINATION PRACTICED AGAINST THEM ONCE THEY ARRIVE THERE. BOTH AS STUDENTS AND FACULTY EXPERIENCE THIS. THE SAME HOLDS TRUE IN MANY OF THE OTHER HEALTH PROFESSIONAL SCHOOLS, WHERE PERCENTAGES OF FEMALE FACULTY ARE FAR BELOW WHAT MIGHT BE EXPECTED EQUITABLY, AND BENEFITS ARE NOT REASONABLE FOR WHAT WOMEN NEED.

TO THEIR CREDIT, A FEW INSTITUTIONS HERE IN THE COMMONWEALTH HAVE TAKEN THE LEAD IN ATTEMPTING TO IMPROVE THE CLIMATE FOR WOMEN, BUT THE AFFIRMATIVE ACTION INITIATIVES OF THE SEVENTIES HAVE BEEN ERODED, AND MOST WOMEN FEEL THERE ARE TOO FEW RESOURCES COMMITTED ON THEIR BEHALF. WOMEN SHOULD NOT HAVE TO FIGHT CASE BY CASE, STATE BY STATE, FOR EQUAL TREATMENT, BUT RATHER INSTITUTIONS SHOULD BE OBLIGED TO COMMIT RESOURCES TO FAIR AND OBJECTIVE RESEARCH TO DOCUMENT THEIR NEEDS AND PROBLEMS, AND PROVIDE REDRESS. THE CONVENTION COULD PROVIDE US WITH A MISSING TOOL TO DO THIS.

HEALTHCARE WORKERS ARE MORE THAN 75% FEMALE, 85% IN HOSPITALS, AND ARE AMONG THE POOREST PAID AT THE BOTTOM OF THE SYSTEM. FOR THIS REASON ALONE, THEY DESERVE A STRONGER

VOICE IN SHAPING HEALTH POLICY. IN ADDITION, BECAUSE OF THEIR LOCATION IN THE SYSTEM WOMEN HEALTHWORKERS HAVE VALUABLE PERCEPTIONS WHICH, IF IMPLEMENTED, COULD PROVIDE IMPROVED CARE FOR EVERY PATIENT. YET THE VAST MAJORITY OF WOMEN WORKERS ARE NOT CONSULTED OR INVOLVED IN THE DEVELOPMENT OF HEALTH POLICY, WHETHER AT THE LEVELS OF POLICY AND PLANNING, ARCHITECTURAL CHANGES OR BASIC SAFETY ISSUES. I WANT TO MAKE A DISTINCTION HERE BETWEEN PROFESSIONAL WOMEN POLICYMAKERS, AS SUCH, AND HEALTHWORKERS WHO ARE INVOLVED IN THE DAY TO DAY CAREGIVING AND SERVICES ON WHICH ALL OF US DEPEND. ONLY RARELY DO WOMEN POLICYMAKERS IDENTIFY WITH SUCH WORKERS, ANY MORE THAN THEIR MALE COLLEAGUES. WITHOUT STRUCTURAL CHANGES WHICH INCLUDE CHARGES TO ELIMINATE INEQUALITIES IN VOICE AND VOTE, THE MERE PRESENCE OF PROFESSIONAL WOMEN IN POLICYMAKING ROLES WILL NOT DO THE JOB. WOMEN AT HOME ARE ALSO AN ENORMOUS UNPAID RESERVOIR OF UNPAID CAREGIVING HEALTHWORKERS. WE MUST RECOGNIZE THEM, SUPPORT THEM AND REWARD THEM. NOTHING LESS WILL GET US THROUGH THE HEALTH WOMANPOWER CRISIS WHICH IS COMING AHEAD, AS INSURERS, EMPLOYERS AND INSTITUTIONS REFUSE TO PAY PROFESSIONAL CAREGIVERS WHAT THEY ARE WORTH.

WHEN IT COMES TO WOMEN PATIENTS, OUR SYSTEM HAS AN ENORMOUS DISTANCE TO GO. WHILE IT IS CLEAR THAT MEN ALSO SUFFER VIOLATIONS OF THEIR HUMAN RIGHTS IN THE HEALTH AND MEDICAL CARE SYSTEM, THEY DO NOT BEGIN TO COMPARE WITH WHAT MOST WOMEN EXPERIENCE ROUTINELY. FIRST, WOMEN ARE PRESENT IN THE SYSTEM AT A RATE NEARLY TWO TO ONE THAT OF MEN. SECONDLY, IN THE LONG TRADITION OF MATERNAL AND CHILD HEALTH SERVICES IN THIS COUNTRY, THERE IS NO PLAN FOR THE PARTICIPATION OF WOMEN IN THE PLANNING AND IMPLEMENTATION OF THOSE SERVICES. EVEN AT THE HIGH POINT OF THE "GREAT SOCIETY" MANDATES FOR COMMUNITY ADVISORY BOARDS IN ALL FEDERAL PROGRAMS, RESEARCH I CONDUCTED AT THAT TIME REVEALED NOT ONE SUCH BOARD.

TO THIS DAY WE MAKE ASSUMPTIONS ABOUT MATERNAL AND CHILD HEALTH SERVICES WHICH REVEAL THAT THE HEALTH FO WOMEN FOR THEIR OWN SAKES IS ALMOST NEVER OUR PRIMARY GOAL. IN THE WORDS OF A BRAZILIAN PHYSICIAN AND RESEARCHER, DR. ANIBAL FAUNDES," WE DIDN'T SET UP FAMILY PLANNING, POPULATION AND MATERNAL AND CHILD HEALTH SERVICES FOR THE SAKE OF WOMEN, WE DID IT IN ORDER TO USE WOMEN AS A MEANS TO ANOTHER END -- FOR POPULATION CONTROL, OR FOR THE HEALTH OF CHILDREN AND THE WORKERS THEY WOULD BECOME." DR FAUNDES WAS SPEAKING IN BRAZIL THIS PAST OCTOBER, AND OF COURSE HE WAS SPEAKING ABOUT THE THIRD WORLD, PRIMARILY, BUT HE MIGHT AS WELL HAVE BEEN SPEAKING ABOUT THE UNITED STATES. IN SOME PARTS OF THE UNITED STATES TODAY WOMEN'S BASIC ACCESS TO CARE DURING PREGNANCY AND BIRTH IS NOT A GUARANTEED RIGHT, AND SO LONG AS WE HAVE A STATES RIGHTS POLICY ABOUT HUMAN RIGHTS, WE WILL ALWAYS HAVE SOME STATES WHICH WILL NOT PROVIDE FOR THE HUMAN BEINGS WITHIN ITS BORDERS.

BUT EVEN HERE IN MASSACHUSETTS WE HAVE NOT MADE OUR

PHYSICIANS ACCOUNTABLE IN THE AREA OF BASIC HUMAN RIGHTS TO DIGNIFIED, EQUITABLE PRENATAL AND BIRTH CARE SERVICES. IT IS A SCANDAL THAT SO MANY OF THE COMMONWEALTH'S DOCTORS HAVE BEEN PERMITTED TO REFUSE MEDICAID PATIENTS, IT IS UNACCEPTABLE THAT SOME COMMUNITIES OF PHYSICIANS WHERE THERE ARE HIGH RISK POPULATIONS HAVE BEEN ALLOWED NOT TO TAKE ADVANTAGE OF FEDERAL FUNDS AVAILABLE TO IMPROVE CARE FOR PREGNANT WOMEN.

IT SHOULD BE EMBARRASSING TO THE COMMONWEALTH THAT WE HAVE NOT TAKEN VIGOROUS STEPS TO ACTIVELY PROMOTE THE INCREASED USE OF NURSE-MIDWIVES AS A VIABLE AND PROVEN STRATEGY FOR IMPROVING PRENATAL CARE IN MANY OF OUR MOST VULNERABLE POPULATIONS. WE NEED TO SEND A MESSAGE TO OUR PHYSICIANS THAT WE WILL PROVIDE SUPPORT AND PERHAPS INCENTIVES IF THEY WILL DO THEIR HOMEWORK AND CHAMPION NURSE-MIDWIFERY CARE. WE ALSO NEED TO PAY ATTENTION TO THE VALUABLE FUNCTION THAT TRADITIONAL MIDWIVES PLAY IN MANY OF THE IMMIGRANT CULTURES WHICH CONTINUE TO ARRIVE HERE IN MASSACHUSETTS. THE CONVENTION ADDRESSED THIS POINT DIRECTLY -- PERHAPS WE FELT THAT THIS POINT WAS ONLY RELEVANT IN THIRD WORLD COUNTRIES. BUT WE MUST NOT ASSUME THAT HIGH-TECHNOLOGY MEDICINE WILL DRAW THOSE MOST VULNERABLE AND MOST IN NEED, OR EVEN THAT IT IS THE BEST MEDICINE FOR THEM, OR THE BEST WAY FOR US TO SPEND OUR RESOURCES. POOR WOMEN AND BABIES COME INTO HIGH-TECH MEDICINE AFTER THE FACT, BUT ONLY BECAUSE WE HAVE NOT ADDRESSED THEIR NEEDS IN THE COMMUNITY BEFORE BIRTH. WE HAVE NOT DONE A RESPECTFUL AND SYSTEMATIC JOB OF ASSURING THAT THERE WILL BE SOMEONE WHO SPEAKS THEIR LANGUAGE IN A MEDICAL EMERGENCY. CERTAINLY THE CONVENTION WOULD HELP US TO SET UP SUCH MECHANISMS WITH MORE VIGOR.

MY SECOND POINT, THE HEALTH EFFECTS OF DISCRIMINATION, IS AN ENORMOUS LITERATURE, MUCH OF WHICH COMES FROM THIRD WORLD RESEARCH. BUT EVEN HERE IN THE UNITED STATES WE SEE MANY WAYS IN WHICH GIRLS ARE DISCRIMINATED AGAINST FROM BIRTH, DESPITE OUR OFFICIAL LANGUAGE WHICH CALLS THEM "CITIZEN ", "STUDENT", "CLIENT" AND "PATIENT", AS IF THERE WERE NO DIFFERENCE BETWEEN A MALE AND A FEMALE. THESE HEALTH EFFECTS ARE MOST MARKED IN OUR FAILURE TO PROVIDE YOUNG WOMEN WITH THE TOOLS THEY NEED TO PROTECT THEIR BASIC BODILY INTEGRITY AS WOMEN --SEX AND HEALTH EDUCATION, APPROPRIATE HEALTH CARE, BIRTH CONTROL AND BACK UP ABORTION SERVICES. WE HAVE HAD TWO FULL DECADES OF PUBLIC DEBATE AND HALF-HEARTED ACTION IN THIS AREA.

I AGREE WITH SURGEON GENERAL KOOP, THAT WE HAVE HAD A LOT OF SEX EDUCATION, BUT IT HAS BEEN DONE BY THE WRONG PEOPLE. (NOT SURE HE AND I ARE TALKING ABOUT THE SAME PEOPLE FOR THE FUTURE, BUT WE AGREE ON THE PRINCIPLE) THE HOME AND THE CHURCH DO NOT EVEN PROTECT THE STRONGEST YOUNG WOMEN FROM THE RISKS OF SEXUALLY TRANSMITTED DISEASES, INCLUDING AIDS, THE RISKS OF DISEASE AND INFERTILITY FROM INAPPROPRIATE BIRTH CONTROL METHODS, OR THE RISKS OF UNWANTED PREGNANCIES.

THESE PROGRAMS MUST TAKE PLACE IN PUBLIC SCHOOLS AND BE SEEN AS AN INTEGRAL PART OF YOUNG WOMEN'S (AND YOUNG MEN'S) PREPARATION FOR LIFE. WE MUST SEE THIS AS PART OF A MANDATE TO END DISCRIMINATION AGAINST YOUNG WOMEN, AND WE CAN LOOK TO THE CONVENTION AS ONE WAY OF HELPING US TO DO IT.

AS FAR AS ADULT WOMEN ARE CONCERNED, IT IS SHOCKING THAT IN 1988 WE IN THE U.S.ARE STILL DEBATING WHETHER OR NOT WOMEN HAVE THE RIGHT, GUARANTEED BY OUR CONSTITUTION, TO MAKE DECISIONS ABOUT THEIR OWN BODIES; AND THAT FURTHERMORE, WE ARE WITNESSING AN UPSURGE OF ACTIONS SUGGESTING THAT OTHER ENTITIES -- FETUSES, FAMILIES, AND EVEN PUTATIVE FATHERS -- HAVE PRIOR CLAIM OVER THAT BODY. BODILY INTEGRITY AND FREEDOM FROM HARASSMENT IS ONE OF THE BASIC FREEDOMS OF THIS COUNTRY. EACH DAY THAT WE FAIL TO ACT ON THE MANY LEGAL INSTRUMENTS BEFORE US SO THAT THIS REALITY BECOMES UNMISTAKABLE TO THE GENERAL PUBLIC, WE ARE DISCRIMINATING AGAINST WOMEN, AND UNDERMINING THEIR STATUS. IF WE ARE A NATION, AND NOT A COLLECTION OF FEUDAL STATES, THESE RIGHTS MUST BE GUARANTEED, AND EVEN CELEBRATED BY LAW. WE CANNOT SPEAK CRITICALLY AND RIGHTEOUSLY ABOUT THE HUMAN RIGHTS VIOLATIONS OF OTHER COUNTRIES AND NOT RECOGNIZE THAT WE ARE COMMITTING DAILY VIOLATIONS AGAINST ONE HALF OF OUR OWN POPULATION.

FINALLY, IN THE AREA OF HEALTH DEFINITIONS, I THINK IT IS CRITICAL IN THIS AGE OF TECHNOLOGY, IN THIS CITY AND IN THIS COMMMONWEALTH, WHICH HAS BEEN SO MUCH IN THE FOREFRONT OF TECHNOLOGICAL INNOVATION AND EXPANSION IN MEDICINE, TO DEFINE HEALTH AS NOT ONLY A POSITIVE STATE WHICH IS MORE THAN THE ABSENCE OF DISEASE, BUT TO DEFINE IT AS A RESULT, DIRECTLY DERIVED FROM WHAT WE DO ABOUT THE QUALITY OF LIFE IN ALL OTHER AREAS, AND OF HOW VIGOROUSLY WE DEVOTE OURSELVES NOT JUST TO PREVENTION, BUT ALSO TO DEFINE IT AS ACTIVE HEALTH PROMOTION WHICH LOOKS DIRECTLY AT THOSE OTHER SECTORS --EDUCATION, HOUSING, BASIC ENTITLEMENTS, THE ENVIRONMENT, ETC. -- AS THE TRUE SOURCE OF OUR HEALTH, RATHER THAN THE HEALTHCARE SYSTEM ITSELF. BUT MOST IMPORTANT OF ALL, WE CANNOT ACHIEVE HEALTH FOR ALL OR EVEN FOR OUR OWN CITIZENS, WITHOUT PLACING WOMEN AT THE VERY CENTER OF ALL OUR EFFORTS ABOUT HEALTH -- PLANNING, POLICY, EDUCATION, GRIEVANCES, AND CARE. HEALTH CARE IS REALLY ABOUT WOMEN, AND UNTIL WOMEN'S STATUS IS GUARANTEED, AS IT WOULD BE BY THIS CONVENTION, OUR HEALTH WILL NOT IMPROVE.

Testimony of J. Stephen DuPlessie of Attleboro, Massachusetts

Senator Kerry, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women is indeed a bold statement on the inherent worth of all individuals and in particular a pointed challenge to the States of the world to assure women their rights as human beings.

I appreciate this opportunity to submit testimony in favor of ratification of this Convention which sets forth a standard for all to aspire to.

While there are many forms of discrimination against women, some subtle, some overt, some culturally based and others institutionalized, all have the compound impact of diminishing the perceived worth of half of the world's population based on gender alone.

Beyond the problem of perceived worth that effectively rules the life of many women from the cradle to the grave, it is what this mindset allows and sometimes even encourages that is most disconcerting.

I would like to address my comments to one specific form of institutionalized discrimination aganist women, indeed a reprehensible denial of the basic human rights that all civilized people should uphold: coerced abortion in the name of population control.

While the control of rapidly increasing population in some areas of the world is indeed a crucial concern, it is even more critical that we cry loudly that for a government to try to control the growth of its population by using punitive economic, social, and psychological sanctions, and even physical intimidations to force an unwilling woman to be aborted is a violation of the very essence of human rights: the right to give birth.

At this point the full force of the local family planning unit comes to bear. She will be offered a cash reward to abort her child. If she refuses, she will be visited by officials for a "heart-to-heart chat", urging her to abort for the good of her nation, community and home. Still refusing, she will be visted by yet more officials, sometimes 8 to 10 at a time, lecturing her on her responsibility and patriotism [illegible] point fines up to 50% of the monthly wage, firing from factory jobs and denial of medical benefits and educational support for the child are imposed, to be lifted if she consents.

It is particularly disturbing that at least two of the nations that have already ratified the Convention, The Peoples Republic of China and more recently The Socialist Republic of Vietnam have adopted as official government policy the use of coerced abortion to control the population growth.

In a lengthy article published in The Providence Journal the journalists who visited China reported interviews with women and doctors that confirmed reports of threats of losing your job or your housing and significant fines if you don't comply with the demand to abort your child.

In inner Mongolia, doctors "routinely smash the baby's skull with forceps as it emerges from the womb" at birth if the child violates the limit set for the family. In other cases, "newborns are killed by injecting formaldehyde into the soft spot of the baby's head."

In some Chinese hospitals, doctors automatically implant IUDs after a woman gives birth without informing the woman or seeking prior consent.

Many factories around the country hang up blackboards publically listing each female worker's contraceptive measure and the day that her period arrives. The women are required to place a check mark next to their names after menstruation begins each month. If she fails to report on schedule, her boss will ask why and she will be ordered to submit to a pregnancy test. The employer will be held responsible for violating the individual's quota for children if she is found pregnant.

At this point the full force of the local family planning unit comes to bear. She will be offered a cash reward to abort her child. If she refuses, she will be visited by officials for a "heart-to-heart chat", urging her to abort for the good of her nation, community and home. Still refusing, she will be visted by yet more officials, sometimes 8 to 10 at a time, lecturing her on her responsibility and criticizing her resistance. At this point fines up to 50% of the monthly wage, firing from factory jobs and denial of medical benefits and educational support for the child are imposed, to be lifted if she consents.

Finally, "helping" the pregnant woman to get to the clinic if she refuses to go, up to eight activists will literally drag the woman from her home to the clinic for the nefarious deed to be done.

What concerns me Senator, is that China and Vietnam have ratified the Convention while practicing one of the most heinous forms of discrimination against women.

Specifically they have endorsed Article 11, Section 2 that proscribes "discrimination against women on the grounds of ... maternity" and Article 12, Section 1 which enjoins elimination of "discrimination aginst women in the field of health care ... including ... family planning" all the while violating not only the spirit but the letter of the Convention.

Not only do these official policies show a contempt for human rights, they display a disregard for the value of all human life and amount to nothing less than government planned and executed genocide on a scale far exceeding the atrocities of the Jewish Holocaust or Pol Pot's genocide of the Cambodians.

In conclusion, Senator, while I recognize that adoption of the Convention will mean significant cultural upheaval in many States, western, eastern and third-world alike, I urge ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women by the United States of America as a sign of our concrete commitment to the establishment and maintenance of human rights for women in our world, including the right to give birth.

J. Stephen DuPlessie
12/5/88

STATEMENT OF THE BOSTON YWCA
IN SUPPORT OF
THE CONVENTION ON THE ELIMINATION
OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

SENATE FOREIGN RELATIONS COMMITTEE
FIELD HEARING
DECEMBER 5, 1988

The Boston YWCA strongly supports the Convention on the Elimination of All Forms of Discrimination Against Women and thanks Senator Kerry for holding this hearing today.

For forty years, the YWCA, an international organization with world-wide headquarters in Geneva and affiliates in more than 80 nations, has been part of the international effort to make the Convention possible. As one of the international organizations to which the United Nations Charter grants consultant status, YWCA representatives worked with the UN Commission on the Status of Women to lay the foundation for the Convention.

In conjunction with our work at the UN, the activities of indigenous national YWCAs in literacy, health education, leadership and management training, job development, community and national development, have empowered women to accept the responsibilities of equal rights and, indeed, to exercise those rights.

For over 120 years, since the early days of helping immigrant women find their place in Boston's economic and social life, the Boston YWCA has worked towards the empowerment of women. Our programs today continue this struggle. The Boston YWCA provides support for women in crisis as a result of rape, domestic violence, divorce or death of a spouse, employment

training programs, affordable housing, child care, assistance for pregnant or parenting teens, alternatives for inner city youth, and adult literacy programs.

What is the relationship of such efforts to the Convention under consideration? A reading of its 16 operative articles suggests that women's rights must be assured in fact as well as in law. Even though the rights enumerated in the Convention are those granted or implied by the U.S. Constitution, the Boston YWCA's work to help women find the protection, the skills and the self confidence to exercise their constitutional rights is still needed in this country. Implementation of the Convention is only one of the tools women, particularly in developing countries, need to change their second class status.

This treaty, referred to as one of the great humanitarian documents, has already undergone the scrutiny of the U.S. Justice and State Departments. Ratification would remove the U.S. from its minority status of seeming to oppose equality for half of its citizens, encourage remaining hesitating countries to ratify the Convention, and let the others know that the United States is willing to join the world community in advocating for all the rights its own citizens have fought for and still struggle to preserve.

To: Senator Kerry, Chairman
Foreign Relations Policy Committee

From: Catherine E. Whynot, R.N., B.S.
30 Spring Rd., Weston, Ma.

Subject: U.N. Resolution on Discrimination

Date: Dec.5,1988

Since 1964, the United States has contributed greatly to reducing discrimination both in the United States and abroad. While we in the United States understand the inherent justice of equality under the law, other nations have cultural histories and governmental structures which impede their progress toward equality for all.

While recognizing these impediments, we must go beyond simply preventing discrimination in assistance programs abroad, and prevent the manipulation, exploitation and abuse of women and minorities. For women, these problems exist most frequently around issues of sexuality and child bearing.

Countries which culturally treat women as sex objects to be used as pawns for financial gain must be discouraged from such practices. Likewise, governments which promote pharmacueticals damaging to women for the profit of a business corporation, must be urged to stay out of such exploitive practices. Countries which treat child bearing as a threat to the government and economy of a country and require abortions after one child must be required to change their policies. All such nations should be prohibited from receiving funding until they comply with moral and just treatment of women and minorities while trying to find solutions for the many economic problems that plague them.

As a nurse and mother, I understand both the economic and health problems that exist in many countries, and recognize that in the past, population control has been the conventional solution to food shortages and economic depression. However, I urge your committee to reconsider the methods of population control that have been used in the past that include such abhorrent practices as abortion and abortion causing pills, and look to more natural and simpler methods of birth control.

Two Australian doctors, Drs. Ann and John Billings have researched and studied a simple form of birth control, now called the Billings Method. It is a method of determining the precise time of fertility for a woman each month, by self examination of cervical/vaginal mucous and changes in its consistency. This method requires no pills, no instruments, and according to the Billings can be learned and used by aboriginies. It most certainly has universal appeal.

We urge this committee to prevent further discrimination against women by giving them this simple tool to control their own child bearing capabilities, and with this as a foundation, to further prevent the exploitation of women for profit by drug companies, and the abuse of women for profit by the abortion industry. We urge education of men to respect the unique child bearing abilites of women and to accept the responsilbilities of being partners to women in that ability to produce future generations for the world.

STATEMENT

LEAGUE OF WOMEN VOTERS OF MASSACHUSETTS
8 WINTER STREET, BOSTON, MA 02108
(617) 357-8380

Statement presented to United States Foreign Relations Committee on United Nations Convention on Elimination of All Forms of Discrimination Against Women. Submitted by Betsy Dunn, Women's Issues Specialist, League of Women Voters of Massachusetts, December 5, 1988.

The League of Women Voters of Massachusetts has a long history of opposing all forms of discrimination based on differences in race, religion, ethnic or natural origin, and sex. Economic, legal and political discrimination of any group creates unacceptable hardship on that group and immeasurable costs to society as a whole. League action on these issues has taken many forms and, therefore, the League of Women Voters of Massachusetts proudly and enthusiastically supports this hearing and its goals.

Ratification of the U.N. Convention on Elimination of All Forms of Discrimination Against Women has been before the U.S. Senate since late 1980 and action is long overdue. We urge the U.S. Senate to bring the United States in the company of 94 other nations which have already ratified or acceded to this important document put forward by the United Nations.

Brief statement submitted as written testimony to the Senate Foreign Relations Committee on the Elimination of All Forms of Discrimination Against Women by Eugenia Kaledin
5 Watson Road
Lexington, MA 02173

currently working as Director of American Studies at Showa Women's Institute, a Boston branch of a Tokyo Women's University:

> Americans who deal with other nations must be able to be proud that our dream of equality of opportunity keeps growing more real. We should always stand for helping the most people find the most personal fulfillment, not for making the most money.

Eugenia Kaledin

Concerned Women For America Of Massachusetts

P.O. BOX 464
MEDFIELD, MA 02052

MRS. NANCY SUTTON
AREA REPRESENTATIVE
617 - 359 - 6318

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SPRINGFIELD DISTRICT COORDINATOR
413 - 734 - 7264

December 1, 1988

United States Foreign Relations Committee
Massachusetts Transportation Building
Ten Park Plaza - Suite 3220
Boston, Massachusetts 02116-3969

Dear Members of the Committee;

We welcome the opportunity to respond to the field hearings on the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.

It is a credit to the United States of America to have ignored this mis-representation of equality for women. Exploitation of women under the guise of equal rights as outlined in this document, clearly leaves women at the mercy of those who would define the roll of women differently from the majority traditional view. Traditional male and female rolls are necessary for any society to function in a productive and nurturing manner.

Much progress has been made in securing fair treatment of women. By forcing the focus to be equal instead of fair treatment, much of that important progress will be impeded.

Let us look for ways to right wrongs but without striping women of their basic identity, that of being women.

We of Concerned Women for America of Massachusetts, strongly urge continued refusal of adoption of this destructive document that to this date finds greatest support among Communist countries.

Sincerely,

Mrs Nancy Sutton

Mrs. Nancy Sutton
Area Representative
Concerned Women for America of Massachusetts

MCFL

Massachusetts Citizens for Life, Inc.

Schrafft Center, 529 Main Street, Boston, MA 02129-1101

(617) 242-4199

24 hr. Pro-Life News Service 242-4589

TO: U.S. SENATE FOREIGN RELATIONS COMMITTEE

FROM: MASSACHUSETTS CITIZENS FOR LIFE

RE: FIELD HEARING ON THE
UNITED NATIONS CONVENTION ON THE ELIMINATION
OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

DATE: DECEMBER 5, 1988

The issue of human rights and discrimination is one with which a great many organizations concern themselves, and rightly so. Our nation was founded as a result of one particular group's search for the freedoms which we now take for granted - life, liberty and the pursuit of happiness.

Part of the charter of the United Nations reaffirms "faith in fundamental human rights, in the dignity and worth of the human person, and the equal rights of men and women ..." " ... To achieve international cooperation ... in promoting and encouraging respect for human rights and for the fundamental freedoms for all without distinctions as to race, sex, language or religion;".

Massachusetts Citizens For Life, Inc. is also committed to protecting, promoting and encouraging respect for innocent human life, without distinctions as to race, sex, language or religion. The rise of discrimination against women and the denial of human rights to the unborn, as evidenced by the use of medical technology as a discriminatory tool, we regard as abhorrent and indeed intolerable as must any group or individuals who adhere to the principals of human rights as defined in the Bill of Rights of the United States of America and in the Charter of the United Nations as above stated.

Specifically we offer testimony on discrimination against women imposed by sex selection abortion and discrimination against poor women which the RU-486 abortion pill and its backers support by placing the ability, responsibility and reality of abortion solely in the hands of the female performing the act herself; along with the attendant and immense physical, psychological and emotional trauma endemic to such an act.

Sex Discrimination Before Birth

Discrimination based on sex selection is becoming more and more common. Amniocentesis, the process by which a mother is able to determine the sex of her unborn child has opened up a whole new world of possibiities for discriminatory action. The United States and the United Nations are pledged to uphold the principles stated in their charters which offer guarantees for the prohibition of this kind of discrimination.

A recent Associated Press article states the following:

> " WHO SAYS SEX SELECTION ISN'T A PROBLEM?
>
> "... Of the 8,000 abortions performed at a Bombay clinic in one month - all terminated after the amniocentesis test - 7,999 of the fetuses were female. Officials estimate that up to 40,000 abortions resulting from the test were performed during 1986, a jump from 16,000 recorded from 1984 to 1985."
>
> Kirsten Ellis and Seema Sirohi, "The nation where sex discrimination begins in the womb," Associated Press article, The Austrrralia, May 18, 1987,quoted in Life Quotes, item 948.

We further submit articles which addressed discrimination by means of sex selection abortion appearing in the Easton Publishing Company, the Washington Post and the Boston Herald.

"Modern medical discoveries, although well intended, actually encourage sex discrimination against women. It was once only a dream, but sex selection before birth has become a reality. Since many couples favor boys over girls, will these new procedures encourage cultural and social prejudices that value one sex over another? Will modern medicine undermine women in society? Many experts, including feminists, think so." (Copyright @ 1985 by Easton Publishing Company)

"In India and China, as well as other third world countries, boys are considered more valuable than girls because they are

stronger and more capable of doing heavy farm work. Amniocentesis followed by abortion is commonly practiced in order to reduce the number of females. 'Nevertheless abortion always follows (amniocentesis) if the fetus is found to be a girl.'(Clinics Accused of Aiding India's Female Infanticide, St. Louis Globe, August 30, 1982.) Women's groups in India now publicly condemn the misuse of amniocentesis. Vinla Ranodive, secretary of the India Coordinating Committee of Working Women referred to such tests as "products of a male oriented society where a girl born into a family is considered a liability." ("China's Birth Control Policy Drives Some to Female Infanticide," Washington Post, January 8, 1985.)

Article in Boston Herald on August 23, 1988

Alan Dershowitz makes the point that in India finding out the sex of the baby is common prior to abortions and many girl babies are being aborted. According to Dershowitz, "The tragic situation in India demonstrates both the limits of law in effecting profound social changes and the necessity of using the law to control the most obvious manifestations of sexism. And also, it demonstrates the conflict between the right of a woman to terminate her pregnancy and the wrong inherent in terminating it on sexist grounds." Historically, daughters have been more of an economic burden in India, in that their marriage dowries cost lots of money; thus officials began using the law to circumvent the "problem" of having any female children.

CONCLUSION: Abortions on females are being done in India and China to such a degree that the male/female ratio is massively out of kilter. In a matter of years, this "advanced" technology of amniocentesis will have produced a nation of young men with very reduced chances of marriage. Thus abortion is discriminating not only against females, in denying them, literally, the right to be born, but it also deprives men of marriage partners in the long run.

RU-486 Discriminates against Human Rights

"In this year of the 40th anniversary of the Universal Declaration of Human Rights, France dishonors itself by throwing onto the world market Mifepristone...because this toxic product is destined only to kill children," the Committee to Allow Children to Be Born said today.

The Association of Catholic Families called on 'doctors, organizations and people of good will to refuse this policy of death." Washington Post, September 25, 1988 p. A40

Summary: This "death drug" is dangerous. It causes every woman taking it to experience a miscarriage, with excessive bleeding. The woman, unlike ever before, has to see the child she has destroyed. As the woman uses the drug in the privacy of her own home, she alone, without a doctor to help, has to confront the reality of what she has done.

1. This drug has not been adequately tested to prove that it is anywhere near safe for women.
2. Drug has a chemical structure similar to that of DES. Anyone who follows women's health care issues knows that the harmful effects of DES were not found until the next generation. The last thing women need is a chemical "Dalkon shield." Thus, there is a lot of precedent for drugs that interfere with the healthy functioning of a woman's body. If any women are to be exposed to this drug, much more testing should be required.
3. The drug is an instant "morning after" pill. It kills the baby after it has already implanted in the womb. The baby at the time it is destroyed, has a recognizable human form, brain waves and a beating heart.
4. A known complication of the drug is that it causes severe bleeding in the population that uses it for up to thirty days. Also, women who have already taken the drug have required transfusions.
5. In a certain percentage of women, it will not cause an abortion, but will injure the child seriously, because it will deprive the developing child of nutrition in the stages of organ development.
6. 5-15% of the women who take RU-486 and its prostaglandin

companion, will not abort. Some will continue to bleed and will require immediate surgery to stop the bleeding and to repair the damage. Others will carry their baby to term. In those cases, there is a likelihood that the mother will deliver a handicapped baby. The handicapped baby will be severely deformed because it was deprived of nutrition in the early stages of organ development.

CONCLUSION: The United States sends billions of dollars of contraceptives to Third World nations. We send them those that are deemed unsafe here. If an abortifacient such as the IUD perforates the uterus, there is nobody around to help. It is terribly dangerous to dump drugs on a community where it is virtually impossible to have close health care monitoring. If the RU-486 drug is not taken in exactly the right doses, it will simply harm an unborn child which will later be born.

"The Pilot"
At a two day meeting on Catholic teaching on birth control, bishops from around the world charged wealthy nations with "imposing" contraceptive policies as the price for financial aid to developing countries.

"Development aid was often contingent on massive programs of contraception and sterilization, thus damaging family life, undermining the health of women and violating human rights."

Most Third World bishops asked United States bishops to raise the issue of "coercion" with US international aid agencies.

Joseph Cardinal Cordeiro of Pakistan "accused multi-national corporations of using poorer countries as 'dumping grounds' for contraceptive drugs and abortifacients of various kinds.

TESTIMONY OF HOWARD/STEIN HUDSON ASSOCIATES

FIELD HEARING ON THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

STATE TRANSPORTATION BULDING
TEN PARK PLAZA, BOSTON, MASSACHUSETTS
CONFERENCE ROOMS 1, 2 AND 3

DECEMBER 5, 1988

HOWARD/STEIN-HUDSON ASSOCIATES

Jane Howard
Kathleen E. Stein-Hudson

38 Chauncy Street
Boston, Massachusetts 02111

(617) 482-7080

Howard/Stein-Hudson Associates is a 100% women-owned urban and transportation planning firm with a total of fifteen employees. The work force consists of 71 percent women/minorities and 64 percent in relation to the professional and technical categories. As you can see, these percentages represent more than compliance with the law, but a philosophy and ongoing practice of making equal opportunity employment a reality at our firm.

We are submitting this testimony today to add our voice to what must be a large number of persons, companies and institutions to urge the United States to ratify this treaty.

The United States has stated repeatedly, including during the last eight years, its strong commitment to human rights around the world. Women's rights are also human rights. The elimination of all forms of discrimination against women is a right and should be regarded as one.

To not ratify this treaty flies in the face of everything the United States purports to stand for, particularly in the global community. How can the United States encourage democracy to other member countries in the United Nations and yet not work towards the elimination of discrimination against women? It can't.

Howard/Stein-Hudson Associates, its principals and employees, urge President-elect Bush to begin work right away towards the United States' immediate ratification of the Convention on the Elimination of All Forms of Discrimination Against Women.

Jane Howard
Principal

Kathleen Stein-Hudson
Principal

The Commonwealth of Massachusetts
HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133

MARILYN L. TRAVINSKI
6TH WORCESTER DISTRICT
108 CHAPIN STREET
SOUTHBRIDGE, MA 01550
TEL. 764-4779

Chairman
Committee on Commerce and Labor
ROOM 43, STATE HOUSE
TEL. 722-2030

WRITTEN TESTIMONY SUBMITTED TO THE SENATE FOREIGN RELATIONS COMMITTEE ON THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

The Honorable Senator John F. Kerry:

I am pleased to submit the following written testimony to the U.S. Senate Foreign Relations Committee on the subject of discrimination against women. As House Chairman of the Committee on Commerce and Labor in the Massachusetts legislature, I am involved in legislatively addressing some of the problems that continue to surface with respect to discrimination against in women in business and in the workplace.

In 1987 and 1988, legislative proposals have been filed in the areas of sexual harassment in employment and housing: programs to establish equal access to professional and blue collar fields that have been traditionally held by men; and programs to provide business assistance and loans to women still experiencing discrimination by private commercial banks.

In 1988, these issues continue to be recurring problems in the

in the public and private sectors. Discrimination against women in business and in the workplace still exists. The Committee on Commerce and Labor continues to confront the following issues that remain the major problems in business and in the workplace:

* The fact that women are discriminated against in construction trades apprenticeships

* The fact that women are discriminated against in obtaining adequate loans and bonding so that they could compete in the businessworld

* The fact that women businesses are not given equal status in government or private sector contract set-aside programs.

Additionally, the single most important issue affecting the ability of women with children to enter the workforce as equal partners is the unavailability of affordable, adequate and accessible childcare. This is the most direct form of discrmination against women with children trying to enter the workforce.

Legislative proposals to correct discrimination against women in the workforce will be a major focus for committee action in the upcoming legislative session. In 1988 in Massachusetts, the issue of discrimination against women still remains a major one. Programs are needed to correct the inequities that exist in order to ensure equal opportunity. In 1988, we are not where we should be.

97-077 O - 89 - 4

It is imperative that the states and the federal government set the tone in the development and enforcement of public policies that send the message that all forms of discrimination against women will not be tolerated.

Respectfully submitted,

Marilyn L. Travinski

MARILYN L. TRAVINSKI

House Chairman

Committee on Commerce and Labor

DEC 5 1988

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133

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TEL. 484-3876

Assistant Majority Whip
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December 5, 1988

Testimony to the United States Senate Foreign Relations Committee field hearing on the United Nations Convention on the Elimination of All Forms of Discrimination Against Women.

For the record, my name is Mary Jane Gibson and I am an elected representative to the Massachusetts legislature. The fact that I am speaking to you today is thanks to major efforts in the history of our nation to end discrimination against women.

Many generations fought the long, hard battles for basic rights and freedoms for women, those that gave us equal or nearly equal standing in legal rights, property rights, political impowerment, educational opportunity and the workplace.

Still, much of my work in the legislature addresses a host of more subtle but harmful issues of discrimination against women, ones which cast women, and therefore children, disproportionately into poverty. Sometimes we see a victory - when a court is

required to treat women with respect, or when insurance companies are made to use a single standard of rates and payments. But the work for equality will go on.

This Convention will be a meaningful statement of principle and blueprint for action throughout the world. I want to help to see it adopted by this country and all others.

The Project on

WOMEN AND DISABILITY

One Ashburton Place, Room 1305
Boston, Massachusetts 02108

Draft Statement on Women With Disabilities

By Marsha Saxton

The Nature of the Oppression

There is substantial overlap between the attitudes and behaviors of sexism and the oppression of disabled persons. Both target groups, women and disabled people, are viewed within the oppression as passive, dependent, their skills downplayed, their contributions to society undervalued. The effects of this combined stereotyping seriously limit the lives and resources of the approximately 375 million women with physical, mental, emotional and sensory disabilities and chronic illness.

All women experience the effects of oppression around physical issues (health, appearance and so forth). But women with conditions of particular severity experience a definable, systematic oppression which deserves special consideration. This oppression operates to make disabled women feel asexualized, unattractive, burdensome, isolated and responsible for their own condition. Disabled women who are members of racial and ethnic minority groups and/or who are lesbians, elders, or experience other kinds of oppression are doubly and triply limited by the concommitant oppression there.

The Disabled Women's Movement

There is a growing Disabled Women's Movement, which has begun to produce a substantial literature. Research conducted primarily by the Rehabilitation Community has begun to assess the situation for this population internationally. Disabled women have begun to organize peer groups, caucuses, and networks and are speaking out on all issues of concern. The Disabled Women's Movement has developed largely as an outgrowth of the Disability Rights Movement rather than the Women's Movement.

Barriers to Involvement in the Women's Movement

Certain aspects of the oppression of disabled women have served to separate disabled women from other women and make it difficult for them to identify as members of the women's community; notably 1) The asexualization of disabled women and the resulting feelings of many women of not even being seen as female, and 2) The Reproductive Rights Movement, which has thus far failed to adequately acknowledge the implications for the disabled community, of the trend to pre-natally screen and abort disabled fetuses.

Certain rigidities in some segments of the women's community may interfere with the involvement of disabled women. If members of this group are viewed stereotypically as "weak" or "sick", they may be regarded as not presenting the desired image of women as powerful or independent.

Feelings of urgency about accomplishing immediate goals may make the various accomodations needed by some disabled women seem problematic. This view is as self-limiting as regarding the child-care needs of mothers, or the bilingual needs of non-English speaking women as "too much trouble." The perspective must be emphasized that the Women's Movement must address the liberation of all women to really challenge the oppression of any women.

Target Allies

The winning of allies in the general Women's Movement is key to strenghtening the Disabled Women's Movement. Alliances with other women's groups are essential; priority groups include elder women, disabled girls, welfare recipients, women of color, mothers and wives of disabled persons, and wage-earning care-givers, where substantial overlap exists regarding priority issues.

Skills and Strenghts

Women with disabilities have particular strengths and have much to contribute to the Women's Movement. Because of their life experiences, many disabled women have unique perspectives in confronting and challenging barriers, establishing meaningful priorities, facing human vulnerability, and asking for and effectively obtaining help. The valuable time, skills and resources of these women can be tapped with a little creative thought and planning.

Priority Issues

The following constitutes an outline of priority issues for disabled women:

1. Accessibility, Women with mobility impairments,sensory limitations or particular health conditions may require awareness and accomodation. Examples include architectural and transportation accomodation, sign language interpreters for deaf women, taped or Brailled material for blind women. Women with "hidden" disabilities including diabetes, back problems and other chronic conditions may require accomodation in terms of flexible scheduling or basic sensitivity to fatigue, pain, or diet needs, appropriate furniture, etc.

2. Healthcare Needs The healthcare system is poorly informed about the medical needs of women with disabilities, and often these women ironically, are blamed or ridiculed for their unmet health needs. Instances of Euthanasia and denial of sustenance aimed at both elderly and infant disabled females are serious problems deserving serious consideration.

3. Reproductive and Parenting Rights Disabled women are often denied access to information and resources regarding birth control, abortion and parenthood, and are sometimes the target of forced sterilization and illegal denial of maternal custody of children.

4. Prenatal Screening The trend to abort disabled fetuses particularly effects women with genetic disabilities, older women, or others identified as "high risk" to produce a disabled child. These women may feel pressured to pre-natally identify and abort offspring with a disability.

5. Education and Employment Opportunities Limited access to public education, and discrimination against disabled women in employment is well documented. In the U.S, white non-disabled women earn 59¢ on the dollar of male workers, white disabled women earn 24¢ and black disabled women earn 12¢. Services are needed to bring disabled women into the educational and employment "mainstream".

6. Social Assistance Oppression of people on public assistance in some countries targets disabled women by substantial economic disincentives to work, while in other countries no provisions have been developed which begin to ameliorate the disadvantaged economic circumstances of disabled persons.

7. Institutionalization The movement to deinstitutionalize disabled persons is still very limited. Many millions of women with severe cerebral palsy, mental retardation, mental illness, etc. face life institutionalized.

8. Labels and Language Derrogatory terms such as "cripple" and "retard" humiliate and invalidate disabled women, while unnecessary diagnostic labels and categorizations function to limit and reduce these women. Like sexist language, even subtle discriminatory forms are significantly hurtful.

Strategies for Change

Strategies to bridge the Women's Movement with the Disabled Women's Movement and further the goals of both include:

a.) Outreach to disabled women's organizations for meetings, conferences, training and activities of the women's community, and accomodation to accessibility needs.
b.) Involvement by prominent women's movement leaders in disabled women's activities, and conversely, involvement of prominent disabled women's leaders in the general movement.
c.) Disability awareness training, via workshops and one-to-one, for the women's community, (as well as the employer and medical communities), Media coverage.
d.) Awareness of and support for legislative issues of disabled people.
e.) Outreach to disabled women's organizations for nuclear disarmament activities and other issues of general concern.

f.) Dissemination of information regarding the implications of pre-natal screening on the disabled community; development of effective, accurate counseling for women considering amniocentesis, including correct information on:

1) the life experience of disabled children and adults, and available resources in the community.
2) the emotional, social and political costs of abortion of a child on the basis of disability.
3) options other than abortion for placement of disabled infants if parents anticipate not having resources to care for the child.

The Women's Movement has much to contribute and much to gain from examining and encompassing the issues of this group.

HELEN BEQUAERT HOLMES, PH.D.
24 BERKSHIRE TERRACE
AMHERST, MA 01002 U.S.A.
(413) 549-1226

November 30, 1988

Senator John F. Kerry
Mass. Transportation Bldg
Boston

DEC 1 1988

Dear Senator Kerry:

I am pleased that you are going to hold a field hearing in Boston on the United Nations Convention on the Elimination of All Forms of Discrimination Against Women. I regret that I shall not be able to attend.

Enclosed please find an article I published in 1983 that discusses some ways in which the Universal Declaration of Human Rights has failed to give rights to women, thus making necessary the Convention on Elimination of Discrimination. Please put this paper in the official record if you deem it appropriate.

I feel strongly that it is shameful for our country to have failed to ratify the Convention, and I commend you for your action in this regard.

Sincerely,

Helen B. Holmes

A FEMINIST ANALYSIS of the UNIVERSAL DECLARATION OF HUMAN RIGHTS

Helen Bequaert Holmes
24 Berkshire Terrace
Amherst, MA 01002

reprinted from

BEYOND DOMINATION:
NEW PERSPECTIVES ON WOMEN AND PHILOSOPHY

edited by
Carol C. Gould

Totowa, NJ: Rowman & Allenheld, 1983

14

A Feminist Analysis of the Universal Declaration of Human Rights

HELEN BEQUAERT HOLMES

The Universal Declaration of Human Rights (UDHR) is a magnificent document.[1] It is a clear testimony that some human beings—represented by the framers of the Declaration—hold within their hearts a deep respect for the personhood of all members of the human species. According to the text of this document, each individual on Earth is equal in dignity to every other person and deserves protection by the law.

On December 21, 1948, at its third session, the General Assembly of the United Nations adopted the UDHR, with 48 nation-states voting in favor.[2] If the UDHR were truly in effect—if, in fact, each and every government in those 48 nations held to each and every Article—the lives of all men *and* all women would be greatly enhanced. Oppression, want, suffering, and injustice would be lessened. But, unfortunately, ours is an imperfect world: since most of those nations pay only lip-service to many of the Articles in the UDHR, its ideals and goals remain to be realized.

Even when nations in good faith do implement the UDHR, women encounter problems in obtaining their human rights. The phraseology of many of the Articles betrays the (I hope) unconscious bias of the framers that women are not actual persons. Indeed, there is evidence that, when certain Articles of the UDHR *have* been implemented by nations (or by global organs such as the World Bank), women in some parts of the world have even lost some of the meager rights they previously had.[3] Subtle bias in language usage may translate into deprivation of rights for as much as 51 percent of humankind.

In the United Nations, the organs and instruments that were brought into being to protect general human rights have failed to defend the human rights of women; furthermore, the special instruments *for* women have been ineffective because of limitations in their terms of reference and in their powers.[4] For example, the Commission on the Status of Women, set up on June 21, 1946, with very limited power, has over the years managed to secure the adoption of a number of international instruments that deal with specific rights of women,[5] but the implementation record is still poor. Disturbed by the continuing oppression and suffering of women throughout the world, this Commission began preparing an inclusive document in 1974. A final version was adopted by the General Assembly on December 18, 1979.[6] This "Convention on the Elimination of All Forms of Discrimination Against Women" (CEAFDAW) calls for equal rights for women in all arenas—political, economic, social, cultural, civil. It went into force officially in September of 1981 after the twentieth nation had ratified it.[7]

In this chapter I point out four problems with the original UDHR, flaws in the text that reveal a general lack of awareness of the condition of women. Certain expressions and words, I maintain, have the potential to continue to limit the human rights of women. It is true that the several U. N. instruments dealing with specific rights of women and the new CEAFDAW have recognized and spoken to some of these concerns, but problems still remain. My analysis will examine some of the current difficulties in implementing human rights and may clarify our vision of the better world we struggle to achieve.

I approach the UDHR as a biologist and as a feminist. The UDHR is a biological statement in that it specifies how we as humans have risen above our biological animalness until we have become creatures who ascribe "rights" to each other. "The uniqueness of humankind comes indeed from its potential ability to escape from the tyranny of its biological heritage."[8] Throughout the centuries and around the world, however, women have generally been defined and delimited by their biology. Thus it is particularly difficult for government agencies and individual administrators to comprehend or even consider that women are to receive the rights specified by a declaration that turns human animals into persons. My criticisms start with Article 16, the one that is most closely concerned with the biological aspects of human nature.

Article 16, Part 3

Article 16 treats the biosocial group, the family. Part 3 states, "The family is the natural and fundamental group unit of society and is

entitled to protection by society and the State."[9] Let us examine how these seemingly bland assertions may actually jeopardize the human rights of women and children.

A definition for "family" is the first problem, since each of us has a personal mental image of this concept. The patriarchs of philosophy have described their visions of the ideal family structure. Different ethnic groups have different definitions—nuclear, extended, matrilineal, patrilineal, patrilocal, etc. "In a sense, everyone is an expert on the family and has an opinion, deriving from ultimately unarguable premises of firsthand knowledge."[10] Unfortunately, those with the power to implement Article 16 will implement it to conform to their own concepts of "family." (In the United States, for example, the normative family apparently is the two-parents-with-two-children-under-18 family, which, according to the 1970 census, constituted only 15 percent of American families.)[11] In short, the first difficulty with Article 16 is that, because some definition for family must be assumed whenever supporting laws are enacted, and because we have no guarantee that a wise definition will be chosen, we risk totalitarian control over people's lives when laws protecting "families" are enforced.

Indeed, it *is* necessary for relatively helpless, human children to depend on other humans for care before they are competent to cope on their own with life-maintenance activities. As *Homo sapiens* evolved, groups that were the forerunners of what we now call families served this function and also "required language, planning, cooperation, self-control, foresight, and cultural learning. [They] provided the framework for all pre-state society and the fount of its creativeness."[12] And modern families can serve as interpersonal support systems, as havens from the competitiveness of the industrial age.

To be sure, some of us *have* experienced a loving and caring family, with members supporting each other across the generations. But more of us than would care to admit have seen our only close-up examples of hate and mistrust in deep and scarring parent-offspring and husband-wife conflicts. On the one hand, divided and uncohesive families may be the places where youth learn to inflict physical and verbal harm. On the other hand, intense family cohesion may feed into tribalism and fail to foster worldwide sisterhood and brotherhood. Furthermore, since no one has yet achieved a just and humane world, perhaps there is something faulty with a vision of the "natural and fundamental group unit" of society. My second difficulty with Article 16, therefore, is that families as they have come to function in the twentieth century may be a shaky base on which to build world peace and justice.

But my main contention with Part 3 of Article 16 is the phrase "entitled to protection by society and the State." In practice this phrase seems to be widely interpreted to mean that all legal means are to be used to keep families as families. In certain parts of both Western and Eastern civilizations, for example, divorce—and even separation—are forbidden. My third explicit objection to this part of Article 16 is therefore that protection of the family can harm individuals, depriving them, in many cases, of the rights granted to them by Articles 3, 4, and 5. For example, if a person is being kept imprisoned within the family home by other members of the family and if then the law requires such a person to stay there, then the right to life, liberty and security of that person has been violated.[13] Wives and daughters may be required to perform household and farm chores and to be always available for sexual intercourse. These are forms of slavery—and Article 4 states flatly that "slavery . . . shall be prohibited in all [its] forms."[14] And individual family members are sometimes subjected to torture, or to cruel, inhuman, or degrading treatment, which is in violation of Article 5.[15] Human rights are not served when judges—as they commonly do—send abused children back to the abusing family, nor when police—as *they* commonly do—send battered wives back to their husbands.

Of course, women are the ones who are most likely to have their rights from Articles 3, 4, and 5 violated, and men are the ones who stand to gain from the sexual and housework slavery. This is my fourth concern: the family fosters patriarchy and hierarchy. The state depends on exploiting families as fundamental units in order to protect its own power. Because of labor surplus, wage-earners must be conformists to keep their jobs to support their families.[16] The nuclear family is necessary to capital, an essential core of patriarchy, a micro-unit of the larger society with its own hierarchy.[17] The mother's duty is to prepare her child for the patriarchal system.[18] "The family's existence assumes that a woman will subordinate her individual interests to those of others," thus putting women's equality and the family into conflict.[19]

Note that the "family-heading" role has sometimes turned out to be a two-edged sword for men: while a man wields authority and power over all the members of "his" family, he also incurs a lifelong obligation (often an emotionally painful, psychologically debilitating, and/or physically disabling obligation) to provide the financial support for this family.

What should governmental policy be toward families? Just as keeping families together at all costs can be harmful to individual rights, so can the state's usurpation of child-rearing tasks. As demonstrated by the juvenile courts in the United States in the

twentieth century and by Soviet communism's initial policy of separating children from their parents, the state is not skilled at raising children, and may even inflict harm.[20] The wise and humane course would seem to be to strengthen the human rights of women and children, who are the potential victims both of abuse within the family and of unwise state intervention. Many decisions of the U. S. Supreme Court in the 1970s have done just this.[21] In the UDHR, Part 2 of Article 25 states: "Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection." This should be vigorously implemented.

Unfortunately, even the CEAFDAW has not come to grips with the issue of "family." That document uses "family" in several places where the context indicates that a family—whatever the word may mean—is in fact assumed to be a "fundamental unit." Also the CEAFDAW does not refer in any way to battered wives or abused children, except obliquely by the clause, "in all cases the interests of the children shall be paramount." This caution, this failure to take a radical stance, is understandable. The members of the Commission on the Status of Women come from a spectrum of nations around the globe. In some places, the only hope a woman has for status and for happiness is through the family. For example, in some nations, if a woman produces one or more male children and then survives childbirth and a period of slavery to her mother-in-law, she acquires power within the family, in particular over her own daughters-in-law. There is no other means to fulfillment. In central Africa, the woman who survives genital excision and/or infibulation and then childbirth will after some years acquire the power to perform or to schedule such an operation on her own daughter or granddaughter.[22] Many women in developing countries still conceive of family as an essential framework for their personhood. It may well be that in their unconscious cost-benefit analyses, the power and security they obtain from family structure outweigh the oppression.

Western women, however, are often ready to embrace new definitions and new visions of the family, believing that some changes are essential for a better world. As Kathleen Gough says,

> The past of the family does not limit its future. Although the family probably emerged with humanity, neither the family itself nor particular family forms are genetically determined. The sexual division of labor—until recently, universal—need not, and in my opinion should not, survive in industrial society. . . . The family was essential to the dawn of civilization, allowing a vast qualitative leap forward in cooperation, purposive knowledge, love, and creativeness. But today, rather than enhancing them, the confinement of women in homes

and small families—like their subordination in work—artificially limits these human capacities.[23]

Article 16, Part 1

In my evaluation of the remaining parts of Article 16, I agree completely with Part 2, which states that marriage shall be entered into only with the free and full consent of the intending spouses. I also strongly support the second sentence of Part 1, that men and women are entitled to equal rights as to marriage, during marriage, and at its dissolution. It would indeed be to the great advantage of women if those provisions were in effect throughout the world.

Problems, however, occur with one phrase within the first sentence of Part 1: "Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family." The word order in the phrase "right to marry and to found a family" gives a strong implication that marriage is required before procreation. This statement may have been composed for the purpose of stating explicitly the very important right that no state, nor any other authority, should *forbid* a marriage on the basis of a difference between the two persons in their race or in their citizenship or in their religion. The "marry and found" word order at the end of the sentence, however, can be interpreted as a requirement of marriage before parenting, and thus reduce individual rights. It might also subtly decree a lower status to out-of-wedlock children, thus reviving the concept of illegitimacy, the blaming-the-victim concept so out of place in the modern world.[24]

The implications of the phrase, "right . . . to found a family" mirror many of the problems in women's lives in the world today. The phrase reflects an attitude that "founding a family" is a value. It implies that those who procreate are thereby more valuable people, that they deserve privileges in society—or, rather, that those who do not found families ought to be discriminated against. It hints that a woman's life is of no value unless she marries and *then* produces biological children "for" her husband.[25]

One interpretation of this right is that procreation itself is a positive "right." A corollary to such a right is: if all persons have the right to procreate, and if they are biologically unable to procreate, then the state reasonably could presume that it had an obligation or a duty to do everything in its power to make it possible for them to procreate, if they so choose. Indeed, the proponents of in vitro fertilization (test-tube babies) look upon their work as a moral duty, as a means of extending this "right" to more people.[26]

Should public funds then be appropriated to provide in vitro

fertilization to everyone who wants it? At the moment, in the USA, only the relatively rich can be candidates for this procedure because of its high cost. Again, since only a few types of infertility can be "treated" by this particular procedure,[7] should not additional public funds be expended to find equivalent solutions for all other types of infertility? In order for procreation to be a positive right, it must be made available to all, both rich and poor, and to those who are infertile for any reason whatsoever. Obviously, this would be a ludicrous expenditure of public moneys when a worldwide population explosion threatens the resources of our planet and when the medically advanced nations consume a disproportionate share of those resources.

Even in the USA, where there are acceptable things other than motherhood for women to do with their lives, status in the local community accrues to any woman who has children (*if* she is wedded to a man, of course, and if there are not too many children!). And sociologists report that teenage pregnancy occurs in some cases not through ignorance of biology, but through a desire for proving oneself a true woman. And even liberated feminists, including lesbians, wish to give birth for entirely different reasons. "Childbirth—the bringing forth of new life energy—is quintessentially a woman's event."[8] It is very tempting to seek procreation as a "right."

Yet, women who are accepted for in vitro fertilization have their bodies and their sex activities monitored closely; they pay large amounts of money; and most attempts end in failure.[9] I believe that such women should not be tempted by suggestions that they might be able to have this procedure granted to them as a "right." Is it not far better for society to find other means for recognizing the worth of women? Accordingly, I recommend that the first sentence of Part 1 of Article 16 be interpreted as follows: "Men and women . . . have the right not to be prevented by the state from marrying or from having children." Such an interpretation protects individual liberties without subtly encouraging pronatalism.

A Missing Right

A third flaw in the UDHR is the failure to make an explicit statement of *the right to one's own body*. Alternatively, this right could be called control over one's body, the right to bodily integrity, or the right to oneself. In 1906 an Illinois appellate court declared that the right to the inviolability of one's person was "a free citizen's first and greatest right . . . the subject of universal acquiescence."[10] It is curious that, since Illinois judges three-quarters of a century ago

considered this to be the "first and greatest" right, it somehow was never fully expressed in the Universal Declaration.

The UDHR does, to be sure, contain some hints to this right. Article 3 states that everyone has the right to "security of person." Article 4 forbids slavery, that is, it forbids anyone from legal ownership of another's body. Article 12 states that "no one shall be subjected to arbitrary interference with his privacy."[11] Since many manipulations of one's body come in the "privacy" area, one might stretch the meaning of Article 12 to say that this includes the sole right to the use of one's own body. And, of course, Article 5, which prohibits torture, is meant to protect a person's body as well as a person's mind. But if the right to one's own body *is* the first and greatest right, then surely this right should have been made explicit in the UDHR. When specific rights were first enumerated in Article 3, this should have been stated, either as a second sentence or as a second part in that Article.[12]

This right to one's body would allocate all decision-making power regarding one's body to oneself. A most obvious application, of course, is in medicine. Patients would have the right to the whole truth about their medical problems, the right to privacy and personal dignity, the right to refuse any test, procedure, and treatment, the right to read and copy their own medical records.[13] With the Illinois case mentioned above, the appellate court declared for the patient who had undergone surgery without prior knowledge. An explicit statement of this right is of great importance: such an assertion would validate individual persons; it would open the way toward improving the condition of women.

One's body is the only tangible object that *is* oneself. If this body is treated as something inviolable, then a human being has validity, has recognition. Following the theory of Sara Ann Ketchum,[14] I do not think of a body as being a person's property—instead it *is* the person. This is far different from being something owned *by* the person.

Male behavior often reveals that women's bodies are considered to be the property of men—husbands, lovers, fathers, pimps. A father demands a bride price or loans his daughter's body to an overnight visitor; a husband assumes that marriage gives him unlimited access to his wife's body. Or women's bodies are considered to be common property: the attitude that a woman's body is to be raped; that women co-workers can be fondled; that doctors need not get consent before manipulations to a woman's body; that population planners in developing countries may give wholesale injections to huge numbers of women to render them infertile. The sadomasochistic, flourishing pornography industry thrives on this belief—that women's bodies are not part of their personhood.

The right to one's own body, if it could actually be implemented in full, would thus have profound implications for women. As a primary benefit, women could really decide when *to* and when *not to* have children! Women then would be given information about their bodies and the full range of selection of methods to control fertility. Alice Rossi has said: "Without the means to prevent, and to control the timing of conception, economic and political rights have limited meaning for women. If women cannot plan their pregnancies, they can plan little else in their lives."[4]

Control of population in developing countries is considered to be strategic to U. S. foreign policy; military terminology (such as "target population") is used in these campaigns against the bodies of poor women. One population planner told me that, should women from such "target populations" be allowed to participate in making decisions about population policy and about fertility control, Earth would have a truly gigantic population problem. Such planners really do believe that women, as a whole, want to have one baby after another. Or they believe that poor women do, even if their "own" wives do not. It is only too true that in most parts of the world women do need (and get) extra status from producing offspring, but they do not necessarily want or get increased status by producing *large* quantities of children. A few living children are enough, as long as some of them are males! And even in countries where large families are official policy and mothers get financial rewards, women in general may fear the dangers of childbirth, and they may worry that their existing children may starve. Husbands and lovers bring excess children into existence: they often refuse to cooperate when a particular method of contraception requires male compliance. Despite their rhetoric, the population controllers really do know this, for their custom is to advocate methods of contraception in women that require absolutely no male cooperation, such as Depo-Provera and IUDs that risk the health of women while permitting men unlimited access to women.[5]

Lucy Stone, in a letter to Antoinette Brown in 1858, said, "The right to vote will yet be swallowed up in the real question, viz., has woman a right to herself? It is very little to me to have the right to vote, to own property, etc., if I may not keep my body, and its uses, in my absolute right."[6]

Some Problems with Wording

To communicate with you I have been using words. But what is the relation of words to reality? Words are a human invention to describe reality—they are not reality and can never be a perfect

match for reality. But words can define and limit reality. They do so when they are used to describe an ideal, as in the UDHR. "Language is not neutral—it is not merely a vehicle that carries ideas. It is itself a shaper of ideas."[38]

The UDHR is to be praised for what it has done; we have no way of knowing how much worse the world would be without it. But sometimes it may have come closer to achieving its goals with men than with women; language may have been responsible for this difference.

According to paragraph 5 of the Preamble of the UDHR, "the peoples of the United Nations have . . . reaffirmed their faith . . . in the equal rights of men and women."[39] Furthermore, Article 2 states that "all rights are set forth without distinction of any kind . . . including sex."[40] These statements imply that, should a male-genderized term be used to describe a right in any Article, such usage would be a *generic* use. The masculine form would have been used to stand for both males and females. I object to the frequent use of generic forms in the Declaration; I maintain that the use of the words "man," "mankind," and "he" in 13 Articles has had unfortunate consequences for women. Like Korsmeyer I point out that "language reveals sexist practices—the customary discriminatory treatment of women [and that] linguistic conventions—particularly the generic use of masculine terminology—can be a perpetuator of sexist distinctions, regardless of the intention of the speaker."[41]

Let me speak to some of the claims made by those who believe that the use of such generics is *not* sexist. One such claim is that these terms are widely used and well understood as being generic. Yet considerable experimental evidence has shown that use of the term "man" is accompanied by a mental image of a male. Writers, speakers, and readers who clearly intend to use the generic nevertheless generate a male image.[42]

Let me present two quotations to illustrate this. Erich Fromm wrote, "Man's vital interests are life, food [so far, this seems clearly generic] and access to females."[43] Loren Eisley wrote of man, "his back aches, he ruptures easily, his women have difficulties in childbirth."[44] Thus, "man," "his," etc., are pseudogenerics, we never know when these terms are used generically. A man is sure that he is included; a woman is uncertain.[45]

A second claim is that getting rid of generic forms will result in cumbersome language, such as "he or she," "his or her," "humankind," etc. But the English language provides many simple, unambiguous, nonsexist ways to express the generic. The Universal Declaration uses several of these already: "everyone," "all," "no one."

It has also been claimed that "he" as a generic is "natural" or "correct." Until an 1850 Act of Parliament, however, the plural "they" was customarily used when speakers of English referred to a singular, sex-neutral antecedent. Dale Spender, in her book *Man Made Language*, reviews the history of the generic "he." In 1646, Pool (in Britain) wrote that it was "both natural and proper that male should have 'pride of place' because the male gender is 'worthier.' " In 1746, Kirby formulated 88 grammatical rules. Rule 21 was, "Male gender is more comprehensive than the female." Eventually, in 1850, Parliament stated that legally "he" stands for "she."[46] The grammar "rules" that women are expected to follow are thus the result of a long tradition of male presumption—of men talking to men, of male self-validation.

A fourth claim is that complaints about sexist language are trivial, that such sexist language is innocuous. At this point it is instructive to look at certain articles in the Universal Declaration where the rights proposed are rarely extended to women around the world. Is the failure to be given rights and the sexist language in those instances merely a coincidence?

Article 15—the right to a nationality. Part 2 states: "No one shall be arbitrarily deprived of *his* nationality nor denied the right to change *his* nationality" [italics mine].[47] Perhaps this actually does mean only males. The equal rights of women with regard to nationality are so clearly a problem in so many parts of the world that the "Convention on the Nationality of Married Women" was adopted by the General Assembly of the United Nations in 1957.[48] And Article 9 of the CEAFDAW states (in its second sentence): "[States parties] shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband."[49]

Article 17—the right to own property. Part 2 states, "No one shall be arbitrarily deprived of *his* property."[50] Article 16, Part h, of the CEAFDAW was designed to correct the abuse of this right: "[States parties shall ensure] the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration." Similar cases can be found in Articles 8, 10, 12, 13, 18, 21, 22, 23, 25, 27, and 29. The right to take part in government, the right to an adequate standard of living—many of these rights have had to be addressed explicitly in the CEAFDAW.

It is obvious that deprivation of nationality, lack of right to own property, and the inability to participate in the government of one's country are not trivial! Is it not likely that the very words in which

we then expressed our ideals have hampered the fulfillment of those ideals?

Summary

The text of the Universal Declaration of Human Rights thus contains four problems which, I claim, have hampered the extension of full human rights to women: (1) The phrasing of Part 3 of Article 16 risks legally enforcing the confinement of women and children in situations that may deprive them of liberty or subject them to slavery or degrading treatment. (2) Part 1 of Article 16 prescribes morality, implies that states have obligations to facilitate procreation, and reinforces the notion that baby-production validates women's worth. (3) An explicit statement of the "right to one's own body" should have been included. (4) Masculine nouns and pronouns used in 13 Articles to refer to both sexes may contribute to the perpetuation of sexist distinctions in rights.

Notes

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1. "Universal Declaration of Human Rights" in United Nations, *Human Rights—A Compilation of International Instruments* (New York: United Nations, 1978), ST/HR/1/Rev.1 Sales no. 78.XIV.2. Also in United Nations, *United Nations Action in the Field of Human Rights* (UNAFHR) (New York: United Nations, 1980), ST/HR/2/Rev.1 Sales no. E.79.XIV.6.

2. UNAFHR, p. 10. No nation voted against; eight abstained.

3. For example, in the implementation of UDHR Article 17. This Article states: "(1) Everyone has the right to own property alone as well as in association with others. (2) No one shall be arbitrarily deprived of his property." Explicit examples of international (World Bank) land "reform" programs that have *removed* ownership of land from women, to the extreme detriment of women's livelihood, are described in Barbara Rogers, "Land Reform: The Solution or the Problem?" *Human Rights Quarterly* 3(1981):96–102; and in Lisa Bennett, "Women, Law and Property in the Developing World: An Overview," *Human Rights Quarterly* 3(1981):88–95.

4. Laura Reanda, "Human Rights and Women's Rights: The United Nations Approach," *Human Rights Quarterly* 3(1981):11–31.

5. UNAFHR, p. 99. Some such instruments are: the Convention on the Political Rights of Women of 1952; the Convention on the Nationality of Married Women of 1957; the Convention against Discrimination in Education of 1960.

6. Catherine Tinker, "Human Rights for Women. The U.N. Convention on the Elimination of All Forms of Discrimination Against Women," *Human Rights Quarterly* 3(1981):32.

7. "Convention on the Elimination of All Forms of Discrimination Against Women" (CEAFDAW), United Nations, document INF/80/4, June 1980 (Official text of draft: A/C.3/34/L.75). See Tinker, ibid., pp. 32–43, for a summary of its provisions.

8. René Dubos, *Beast or Angel? Choices That Make Us Human* (New York: Charles Scribner's Sons, 1974), p. 47.

9. Parts 1 and 2, Article 16, state: "(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage, and at its dissolution. (2) Marriage shall be entered into only with the free and full consent of the intending spouses."

10. Barbara Myerhoff and Virginia Tufte, "Introduction," in Myerhoff and Tufte, eds., *Changing Images of the Family* (New Haven: Yale University Press, 1979), p. 15.

11. Judith Hicks Stiehm, "Government and the Family: Justice and Acceptance," in Myerhoff and Tufte, *Changing Images of the Family*, p. 364.

12. Kathleen Gough, "The Origin of the Family," *Journal of Marriage and the Family* 33(1971):369.

13. Article 3, UDHR, states: "Everyone has the right to life, liberty and security of person."

14. Article 4, UDHR, states: "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms." See also Kathleen Barry, "Female Sexual Slavery: Understanding the International Dimensions of Women's Oppression," *Human Rights Quarterly* 3(1981):48.

15. Article 5, UDHR, states: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

16. Suzanne LaFollette, "Concerning Women," in *The Feminist Papers*, ed. Alice S. Rossi (New York: Bantam Books, 1973), p. 549–50.

17. Carol Gould, "The Woman Question: Philosophy of Liberation and the Liberation of Philosophy," *The Philosophical Forum* 5(1973–74):36; see also references cited in her notes 44, 45, 47, and 48.

18. Adrienne Rich, *Of Woman Born: Motherhood as Experience and Institution* (New York: W. W. Norton, 1976), p. 61.

19. Carl N. Degler, *At Odds: Women and the Family in America from the Revolution to the Present* (New York: Oxford University Press, 1980), p. vii.

20. Stephen J. Morse, "Family Law in Transition: From Traditional Families to Individual Liberty," in *Changing Images of the Family*, ed. Myerhoff and Tufte, p. 348; see also LaFollette, "Concerning Women," p. 561.

21. Morse, "Family Law," pp. 319–60.

22. Genital excision is the removal of the clitoris and the labia minora; in infibulation some of the labia majora are also removed, and the sides of the vulva are fastened together. See Fran Hosken, *Women's International Network News* 2, no. 1 (January 1976):30. For a description of the role of mothers, see Mary Daly, *Gyn/Ecology: The Metaethics of Radical Feminism* (Boston: Beacon Press, 1978), p. 164–65.

23. Gough, "Origin of the Family," p. 770.

24. The U.S. Supreme Court, in a series of cases beginning with *Levy v. Louisiana*, 391 U.S. 68 (1968), struck down as unconstitutional almost every state or federal disability imposed on illegitimate children. See Morse, "Family Law," p. 349; LaFollette, "Concerning Women," p. 555. The Economic and Social Council of the United Nations in Resolution 1679 of June 2, 1972, recommended to Governments of States Members of the United Nations a set of general principles for securing the unmarried mother and her child acceptance on an equal footing with other members of society. See UNAFHR, p. 109.

25. Rich, *Of Woman Born*, chap. 2. See also Norma Swenson, "Childbirth Overview," in *Birth Control and Controlling Birth: Women-Centered Perspectives* ed. Helen B. Holmes, Betty B. Hoskins, and Michael Gross (Clifton, NJ: The Humana Press, 1980), p. 143.

26. Robert Edwards & P. Steptoe, *A Matter of Life* (London: Sphere Books, 1981), p. 110. Dr. Edwards explicitly cites the Universal Declaration of Human Rights. Before there were any test-tube babies, philosopher-geneticist Marc Lappé argued that medical practice has a universal obligation to relieve suffering, and that childlessness is a particularly acute form of suffering. See Lappé, *Hastings Center Report* 2, no. 1:1–2.

27. Lori B. Andrews, "Embryo Technology," *Parents Magazine*, May 1981, pp. 63–70.

28. Byllye Y. Avery and Judith M. Levy, "Contrasts in the Birthing Place: Hospital and Birth Center," in *Birth Control and Controlling Birth*, ed. Holmes, Hoskins, and Gross, p. 238.

29. Douglas Wilson, "Patients and Understanding," *Amherst College Alumni Magazine*, Winter 1981, pp. 11, 32; see also Andrews, "Embryo Technology," p. 65–66.

30. *Pratt v. Davis*, 118 Ill. App. 161,166(1905), *aff'd*. 224 Ill. 300. 79 N.E. 562(1906).

31. Article 12, UDHR, states: "No one shall be subject to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks."

32. See note 13.

33. George J. Annas, "The Patient Has Rights: How Can We Protect Them?" *Hastings Center Report* 3, no.4(1973)8–9.

34. Sara Ann Ketchum, "Abortion and the Ownership of Bodies," paper presented at the National Project on Philosophy and Engineering Ethics at Troy, New York, August 1978. See also Helen B. Holmes and Susan Rae Peterson, "Rights over One's Own Body: A Woman-Affirming Health Care Policy," *Human Rights Quarterly* 3(1981):75; and Penelope Washbourn, "Body/World: The Religious Dimensions of Sexuality," *Christianity and Crisis* 34(9 December 1974):279.

35. Alice S. Rossi, "The Right to One's Body," in Rossi, ed., *The Feminist Papers*, p. 517.

36. Depo-Provera is a synthetic compound with the effects of the natural hormone progesterone. It is a long-lasting contraceptive, almost 100 percent effective, administered by injection every three months. See Marie M. Cassidy, "Depo-Provera and Sterilization Abuse," in *Birth Control and Controlling Birth*, ed. Holmes, Hoskins, and Gross pp 97–139. An intrauterine device (IUD) is a plastic or metal object placed inside the uterus to prevent implantation of an embryo. See Mark Dowie and Tracy Johnston, "A Case of Corporate Malpractice and the Dalkon Shield," in *Seizing Our Bodies: The Politics of Women's Health*, ed., Claudia Dreifus (New York: Random House, 1977), pp. 86–104.

37. Quoted in *Ms.* Magazine 10, no. 5 (November 1981):22.

38. Dale Spender, *Man Made Language* (London: Routledge & Kegan Paul, 1980), p. 139; John B. Carroll, ed., *Language, Thought and Reality: Selected Writings of Benjamin Lee Whorf* (Cambridge, Mass: MIT Press, 1976).

39. Preamble, paragraph 5, UDHR, states: "Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in the larger freedom."

40. Article 2, UDHR, states: "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

41. Carolyn Korsmeyer, "The Hidden Joke: Generic Uses of Masculine Terminol-

ogy," in *Feminism and Philosophy*, ed. Mary Vetterling-Braggin, Frederick A. Elliston, and Jane English (Totowa, N. J.: Littlefield, Adams, 1978), p. 140.

42. Spender, *Man Made Language*, p. 151; Elaine Morgan, *The Descent of Woman* (New York: Stein & Day, 1972).

43. Cited in Alma Graham, "The Making of a Non-Sexist Dictionary," in *Language and Sex: Difference and Dominance*, ed Barrie Thorne and Nancy Henley (Rowley, Mass: Newbury House, 1975), p. 62; also Spender, *Man Made Language*, p. 155.

44. Graham, "Non-Sexist Dictionary," p. 62; Spender, *Man Made Language*, p. 155.

45. Other examples of failure to achieve gender neutrality are found in Janice Moulton, "The Myth of the Neutral 'Man,'" in *Feminism and Philosophy*, ed. Vetterling-Braggin, Elliston, and English, pp. 129–36.

46. Spender, *Man Made Language*, pp. 147–48.

47. Article 15, UDHR, states: "(1) Everyone has the right to a nationality. (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality."

48. UNAFHR, p. 100.

49. Article 9, CEAFDAW, states: "(1) States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband. (2) States Parties shall grant women equal rights with men with respect to the nationality of their children." See also comments in Tinker, "Human Rights for Women," p. 36, note 13.

50. For text of UDHR Article 17, see no. 3.

DEC 1 1988

50 James St. Ext.
Beverly, MA. 01915
November 27, 1988

Representative Fran Alexander
80 Lothrop Street
Beverly, MA. 01915

Dear Rep. Alexander;

I received a notice of a hearing which I thought might interest you. Next Friday, there will be a field hearing in Boston on the United States Convention on the Elimination of All Forms of Discrimination Against Women. I have enclosed a copy of the notice for your information.

Since I was directly involved in a situation involving job discrimination, I have submitted written testimony which will be included as part of the official transcript of this hearing. Since my case involves effective legislation and implementation of labor and discrimination laws, I have also enclosed a copy of my written testimony for your reading.

I know that you have a busy schedule, but I hope you attend the December 5 field hearing.

Sincerely,
Jennifer Breitenstein
Jennifer Breitenstein

JOHN KERRY
MASSACHUSETTS

United States Senate
WASHINGTON, DC 20510

Massachusetts Transportation Building
Ten Park Plaza - Suite 3220
Boston, Massachusetts 02116-3969
November 16, 1988

Dear Friend:

On behalf of the United States Senate Foreign Relations Committee, I would like to invite you to a field hearing on the United Nations Convention on the Elimination of All Forms of Discrimination Against Women. The hearing will be held on Monday, December 5, in the State Transportation Building, Ten Park Plaza, Boston, in Conference Rooms 1, 2, and 3 at 9:30 am.

As a member of the Senate Foreign Relations Committee, I consider this treaty of great importance not only to women, but also to international human rights. The adoption of the Convention by the United Nations in 1979 represented an important step forward. However, in the eight years since its adoption, while 94 other nations have ratified or acceded to this document, the United States has not done so. Clearly, we are conspicuous by our absence and we must act to end this void. By holding this hearing, we in Massachusetts have the opportunity to provide the leadership necessary to work toward final ratification of the treaty by the United States.

I hope you can attend this hearing which will feature a number of distinguished witnesses, and if you know of others who would like to attend, please extend the invitation to them. If you would like to submit written testimony which will become part of the official transcript, please feel free to do so. Since space is limited, please reply to my Boston office, (617) 565-8519, if you will be in attendance.

Sincerely,

John F. Kerry
United States Senator

JK/bc

Women fear taking non-traditional s

LIVING WITH WORK
BY JULIET F. BRUDNEY

Why do very few women take technical training in electronics, here, deep in the heart of high-tech country? Employers, especially those with government contracts, want to hire them. Job ladders go much higher than those in office work and other occupations that women select. And it takes only a high school education plus a year or less of special training to get onto the first rung.

Dorothy Peack, director of Sylvania Technical Institute, a major sponsor of preparatory programs, reports that, "As hard as we try to recruit women by having open houses, talking at high schools, other outreach, we can't get the percentage of female applicants above 10 percent-12 percent, where it's been for some years."

Although recent studies show that women continue to earn less than men in the industry, that's probably not the reason women steer clear. "There are four to five job openings, with excellent growth opportunities, for every graduate of our programs," Peack said. "Starting pay is $18,000-$20,000, and high tech gives frequent raises."

What seems to be holding women back is the same problem that showed up a dozen or so years ago when nontraditional occupations first opened up to them. They lack confidence in their ability to handle the work. This culture-created sense of inadequacy also continues to cause girls to take the least possible math, science, shop in high school.

Schools and training institutions have tried to change female attitudes, increase self-confidence, and more women now prepare for and enter the field. But the influx, never high, has leveled off and may be declining, despite information about the presentation by technician role models, visits to training programs and worksites, similar show-and-tell efforts.

Convincing women they can perform well as technicians in electronics or any field requires more than words. Proving they have what it takes by involving them in a success experience could be an effective, persuasive strategy. Engaging them in such a venture is the problem. One problem-solving approach is to offer courses that are appealing to

Electronics technician Nancy Novak enjoys her job's variety.

women curbed in eight months of full-time electronics training at Sylvania Tech. Two years ago, she began working in audio repair at Electronic Services inc., in Billerica. Now 22, she is senior audio technician, earning in the low-$30,000 range.

Novak confessed to, "Good grades in high school math. But I wasn't super, and I never took calculus. Instead, I took more courses in TV. You work in a regular studio, learn how to use all the equipment, make your own videotape programs from start to finish. I loved it.

"By the time I graduated, I wanted to get hands-on skill in electronics, something I could use on the job right away, rather than go to college for four years."

☆☆☆□☆☆☆

Q. Could you clarify my rights? I am a tenured teacher. After a year's maternity leave, guaranteed by the teaching contract, I'm being denied my full former position. For the three years before I took leave, I was also a program only when I return, that my replacement as program coordinator will continue, that the position is a stipend, not a job. I assisted in interviewing for my replacement, made it absolutely clear that I intended to return. My contract states that all benefits are to be restored after returning from leave and that the same or a "substantially equivalent position" will be assigned.

– J.B., North Shore

A. Sounds like you're getting a raw deal. It may violate the state maternity leave law, on the basis of court decisions in somewhat similar cases, said a spokesperson at Massachusetts Commission Against Discrimination. Call MCAD and talk to a lawyer there about whether and how to file a complaint (727-3990).

The school official's verdict may also violate your contract, as you indicated, and you can start a suit on those grounds, too. But first, if your school system has an appeals procedure for teachers, use it, obtaining guidance from a lawyer-expert on employment law. If you belong to a union or other teachers' organization, consult their lawyers first.

If you don't belong, and/or there is no appeals procedure, call the lawyer-referral services at the state Bar Association (542-9103) and the Boston Bar Association (742-0625). They'll refer you to a lawyer who will provide an initial, brief consultation for a moderate fee. Ask about MCAD and breach of contract action. You and the lawyer then decide what next steps to take, if any, and agree on the fee.

William Koffel, a partner at Foley Hoag & Eliot in Boston, specializes in employment issues and may be willing to talk with you briefly and provide some basic advice (437-7003).

□

Career events coming up include:

• Negotiating Strategies, Freelance Editorial Association workshop tomorrow in Brookline, 7:15 p.m., on such problems as what to do when a project takes much longer than anticipated, a client offers a rate much lower than expected. For members, m bership, $25 a year, wi able at the door ($34 f Bashr, free).

50 James St. Ext.
Beverly, MA. 01915
November 27, 1988

U.S. Senate Foreign Relations Committee
c/o Sen. John F. Kerry
Mass. Transportation Building
Ten Park Plaza - Suite 3220
Boston, MA. 02116-3969

To Whom It May Concern:

Last week, I received an invitation to attend the December 5 field hearing on the United Nations Convention on the Elimination of All Forms of Discrimination Against Women. I am sorry to say that because of professional obligations, I will be unable to attend. However, I would like to submit written testimony to be included as part of the official transcript.

I have recently experienced job discrimination which took place while I was on a sanctioned leave of absence for maternity purposes. In short, I was a tenured teacher and a subject department coordinator in a Massachusetts public high school. Late in the year of my leave, I was abruptly told that I could not return to the position which I held before, and that I would be returning as a classroom teacher. No explanation was made.

Needless to say, I decided to fight this change/demotion. First, I contacted a labor lawyer through the Massachusetts Bar Association, and I was encouraged to go through my teachers' organization grievance procedure rather than to pursue litigation. In proceeding with the grievance procedure, the teachers' union field representative found state laws which entitled me to due process. However, I was told to be patient and wait until my school system was ready to deal with this conflict, rather than push ahead toward clarification and resolution. While I waited, I wrote to Boston Globe "Living with Work" columnist Juliet F. Brudney. I have enclosed her column which printed my letter.

While I waited, I contacted the Massachusetts Commission Against Discrimination. I was told that since there were no previous cases concerning department heads on leave of absence, and since a man had not replaced me, I had no grounds for discrimination. MCAD also suggested that since existing law protects job security for maternity leaves only up to eight weeks, my prolonged leave did not include job security.

While I waited and waited, I also started looking for another teaching position. As it happened, I was offered another high school teaching position which I accepted. I am pleased that my salary is higher and my working conditions are better, but I still carry a strong feeling that what happened to me was unjust, unethical, and widespread in practice.

50 James St. Ext.
Beverly, MA. 01915
November 27, 1988

It has become bitterly clear to me that there is not enough legislation protecting the professional positions of anyone -- male or female-- who takes time off for maternity or childrearing purposes. I hope that this issue and the need for more protective legislation is taken up during the field hearing.

Finally, I hope that the December 5 field hearing is productive and leads to final ratification of the treaty by the United States.

Sincerely,

Jennifer Breitenstein

Jennifer Breitenstein

TESTIMONY BY MARGARET A. McKENNA, PRESIDENT OF LESLEY COLLEGE, BEFORE THE U.S. SENATE COMMITTEE ON FOREIGN RELATIONS, ON DECEMBER 5, 1988

I am here today to support the ratification of the United Nations Convention on the Elimination of all forms of discrimination against women speaking to the issues outlined in Article 10 of the document. Article 10 of the Convention specifies measures to eliminate discrimination against women in the field of education. The essence of Article 10 is not one of listing specific programs or legislation which will eliminate the active discrimination of women in education. Rather, Article 10 articulates the need to work in a more affirmative manner by not only providing women with access to and opportunities in education but by establishing ways in which women's experience will become a variable by which we measure the content of the curriculum and the method of instruction. Article 10 outlines the need to inaugurate cultural change by incorporating women's experience into the whole of our educational system as much as it is an effort to secure the achievements made in giving women and girls a place in the classroom.

In point of fact, women have been making gains in the American educational world. Women's and girls' access to all

levels of education has been steadily increasing over the past decade. Women now comprise 52% of the college population and 50% of the student population earning master's degrees. Thirty-four percent of all doctorates awarded in 1987-88 were earned by women. The percentage increases indicate not only a greater rate of participation in education, but also reflect real increases in the numbers of women enrolling in educational institutions. For example, nearly 22,000 professional degrees were awarded to women in 1983, compared with 14,400 in 1977. At the doctoral level, we have seen the number of women receiving the Ph.D. rise from 6,453 to 10,660 in ten years. Title IX of the Education Amendments of 1972 and Title II of the Education Amendments of 1976 provide federal legislation which prohibits sex discrimination and provides equal opportunity to athletic programs, including scholarships (Title IX) and vocational education and career steering (Title II).

These numbers and legislative activities are important measures of women's involvement in education. Still, they do not directly address what is at the core of the United Nations Convention. We may be well on our way to creating an institutional environment that gives women a seat in the classroom but we are far from creating an educational environment

that listens to female voices and validates their experiences and aspirations. Until we do so, we have not eliminated all forms of discrimination against women from education in the United States.

Curriculum content and female students' choices about academic majors and professional careers underscore my point that there is limited access for women to all forms of and topics in education in the United States. Education remains a gender segregated institution in American society. Nationally, only 10.6% of college-bound high school women indicate a desire to major in physical sciences. More than a third of high school males intend to pursue an academic career in the sciences and subsequently a career in the male bastion of professional scientists. Recent female college graduates tend to major in the traditionally defined female spheres of education (23%) and nursing and health related professions (11%) with science constituting a tiny minority of female college graduates (3%).

Segregation in schools leads to segregation in the job market. According to the National Academy of Sciences, half of all Americans work in jobs that are 80% male or female. Five of the top ten occupations employing women are in sales and clerical work. Just as women constitute a minority of science majors in

college, once in the profession women constitute only 11% of scientists and engineers.

We will not see equity in education and the profession until we provide the resources that allow women to make fair and fundamental choices about their lives. Even when women score higher academically than men, because of their work situation they are more likely to lose self-confidence and fell less satisfied. The "salad days" of one's career coincide with women's childbearing years and, all too often, force women to choose between the two. We need to develop resources that allow women to combine the two in a way that is fair to both her family and her learning. One response is to provide adequate day care for woman students with children at all educational levels - from high school through post-doctoral studies and including the growing sector of "adult students" - non-traditional aged students returning to complete degrees or pursue higher degrees. The outstanding example of such an institutional response is the 24 hour day care program at Stanford University available to all students, faculty, and staff. Other colleges and universities, Iesley College among them, are providing alternative methods of course sequencing and instruction recognizing that students who are mothers, indeed students who are parents, have multifarious

and equally significant demands on their lives. These intensive modes of study give a student as much exposure to materials and faculty as traditional classroom schedules, but do so in a format that doesn't require the sacrifice of either family or education.

Furthermore, we will not see equity in education and the professions until young women and girls have equal opportunity to role models and a curriculum that opens to the odors to fields previously considered non-traditional for women. Educational institutions must cooperate in the effort to invite girls to consider at an early age the breadth of careers and educational experiences available to them. Studies have found that by the fifth or sixth grade young girls have made up their minds about the range of opportunities available to them. Since 1977, female students' ability to achieve upper levels of science proficiency have been slipping while male students have been more steady. In 1977, 13% of 17 year old males reached upper level proficiency and 12% did in 1986. Nine percent of 17 year old female students achieved upper level proficiency in 1977 compared to 6% in 1986. In effect, 17 year old males are twice as likely as 17 year old females to become proficient in science. What is even more distressing about these statistics is the fact that at the elementary levels girls tend to perform as well as boys. We are

witnesses to a widening gender gap in education, one in which the chasm widens as students progress through our school systems.

The middle school period is the critical point when we must provide programs to give girls information about the myriad of occupational and intellectual paths that are open to them. The number of programs currently available which focus on middle school girls to address these issues appears low in relation to the population of female students in this age group. In addition to the broad and open career and vocational counseling these programs do provide to a limited number of girls, we must also find ways to make the "non-female" subjects such as mathematics and sciences accessible to girls in the middle school age-group. Although female-focused intervention programs for middle schools students are correctly addressing attitudinal changes, there are a paucity of activities that address the development of confidence in math ability, exposure to math and science experiences, and the learning of math and science terminology and concepts. It is not an issue of whether or not the female mind is suited to the study of these fields. Of course they are. What must change is the way we present these materials to girls and boys if we are going to be successful in creating an educational culture that reflects the needs, values, and

experiences of all our students. A first step toward this end is to increase the number of female-focused programs serving middle-school students, particularly those that offer activities to enhance the achievement of girls in math and science.

The United States' ratification of the United Nations Convention on the Elimination of all forms of discrimination against women is an important step towards insuring that the gains women and girls have made in enrollment will be permanent. More importantly, is the message we will send throughout American education, indeed throughout American society, that we must continue to work to insure that female voices and experiences are incorporated into the American culture. Until we take the larger step toward this cultural change, we are filling up classrooms not minds.

STATEMENT OF MAYRA RODRIGUEZ-HOWARD, NORTHEAST REGIONAL OFFICE DIRECTOR, EXECUTIVE OFFICE OF HUMAN SERVICES, BOSTON, MASSACHUSETTS

Ms. Rodriguez-Howard: Thank you, Senator Kerry, thank you for giving me the opportunity of testifying at this historic hearing.

I want to congratulate you also on your initiative to get the Convention on the Elimination of All Forms of Discrimination Against Woman ratified. This is a very exciting, comprehensive and logical document, and my constant reaction as I was reading it was one of amazement and shock that the United States was not one of the countries that would immediately ratify it, that in fact, we would have to ratify something like this.

My second reaction was why am I surprised? When I think of access -- ("access": ability to enter, approach, to get at.) I immediately identified that as one of the major problems women have in this society, particularly minority women. In a culture where the expectation is still to have a male provider in the household, over 40 percent of the Hispanic households in Massachusetts are headed by females. Besides a society that believes that men are the primary providers, or maybe because of this, there are high wage differentials between men and women.

In a society that is moving towards higher skills, Latinos have a lower educational level and higher dropout rates. This translates into a life of poverty.

Fifty percent of Latino people that start in the seventh grade will not finish high school, and that is just incredible.

In a society that is not providing adequate support for children of working parents, we not only find a high number of female heads of households in the Latino community, but also women with very young children, where a lack of available day care services is serious, especially for the younger ages. With an average of three to four children per family, the Hispanic population has a fertility rate almost identical to that of white women in the forties and fifties, the baby boom era, and appears to be entering into our own baby boom.

Latino women for the most part do not have access to rights and privileges offered to citizens in this society, let alone access to power. When we look at what gives us access to power, educational achievement, good jobs, etc., many of us are definitely not making it.

Let me also add that even compared to white women, we do not fare as well, which is another differential that we have to take into consideration.

But how are we going to change this reality? And when? Ratifying this convention is not going to be enough. We have to understand the history of why things are the way they are, and how are we going to change them.

In thinking about the history of Puerto Rico, when it was an agricultural society, females and males had different roles, but they were both of value; as important. Then came the wage earning, and males were given money for their agricultural work. This translated into power because money was needed to buy goods. Puerto Rico became industrialized, in 15 years, which meant an incredible transition for the society; a transition that we were not prepared to face. Women became wage earners in the light industry, and men did not have the skills to go into industry, so there was a complete change of roles in our families. There was mass migration to San Juan because of lack of work in the rural areas. And then there was a forced migration, (and the government had a big part of that), into New York.

The reason I bring up this history is that we need to understand how the wage differential came about, for example, we need to, at least understand the historic reason for the way things are and we have to catch up and bring the reality up to date and adapt to that reality if we are going to be able to make any changes.

The question now is why? Why do we want this connection ratified? Why do we want to change this reality?

First, we need to understand as a nation, like the convention says, that the "full and complete development of a country, the welfare of the world and the cause of peace require that maximum participation of women on equal times with men in all fields". Again, just ratifying this treaty, as important as it is, is not going to be enough. We could ratify it and nothing would change if we do not look at how are we going to implement this. And we need it this for the society in general to function better.

In Massachusetts, there is a labor shortage, yet -- the unemployment levels for Hispanics it is very high. We need workers. We are going to start importing workers from other states and other countries, when in fact, we have a labor force here waiting to be developed. We have to see Hispanics and Latino women as a resource to this country and to this state.

To finish, I want to say that women need to continue fighting for their rights, and Latino minority women need to become partners in that struggle. I was one of those people that, when approached by white, middle class females, about why Hispanic women were not joining in the women's rights movements. I would say that Latino women and males are faring so badly in this country that we needed to fight for the rights of Latinos, men and women. I am not changing my mind about Latinos, but it is important to be a woman first.

I am very proud that this state has so energetically been dealing with barriers of opportunities such as illiteracy, teen pregnancy and school dropouts. If I would have asked Governor Michael Dukakis to select five things to overcome barriers to opportunity for Latinos and minorities, I would not have come up with a better five than he has.

I am very proud that this state has a woman Lieutenant Governor. There are many exciting things happening all across this state, but only an overarching sense of purpose and a clear sense of direction is going to help us achieve the goal of equality for women. It cannot be haphazard, it has to be all-encompassing, and it has to be national in scope and comprehensive in nature.

I want to second the recommendations mentioned before, and ahead of time I am going to second the recommendations that are going to come. I am sure that I am going to agree with all of them.

Most of all, and emphasizing that it is only a first step, I want to recommend the ratification of the Convention on the Elimination of All Forms of discrimination Against Women.

Thank you.

Senator Kerry, President Mckenna

TESTIMONY OF VIRGINIA N. LEE BEFORE THE
UNITED STATES SENATE COMMITTEE ON FOREIGN RELATIONS
DECEMBER 5, 1988, BOSTON, MASSACHUSETTS

Good morning. My name is Virginia Lee. I am Chief of the Civil Rights and Civil Liberties Division of the Massachusetts Department of the Attorney General. I appreciate your giving me the opportunity to comment on the United Nations Convention on the Elimination of all Forms of Discrimination Against Women, and urge the Senate's swift ratification of the Convention.

The Convention calls for the elimination of all forms of discrimination against women. In the preamble to the Convention we are asked to reflect that:

> discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity.

Although many American jurists and legislators would readily agree and support this view, it is fair to say that such thinking is a relatively recent phenomenon in American legal history. The United States Constitution and the Bill of Rights did not provide for equal rights for men and women. In fact, in 1791 when the Bill of Rights was adopted, individual states could and did restrict rights such as voting, holding office, and jury duty to white male property owners.(1)

The adoption of the Fourteenth Amendment in 1868 did not guarantee equal treatment for women. In 1873 the United States Supreme Court rejected a woman's claim of her right to practice law pursuant to the Fourteenth Amendment. In an often cited passage written by Mr. Justice Bradley the court stated:

> (The) civil law, as well as nature herself, has always recognized a wide difference in the respective spheres and destinies of man and woman. Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution of the family organization, which is founded in the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood. The harmony, not to say identity of interests and views which belong, or should belong, to the family institution is repugnant to the idea of a woman adopting a distinct and independent career from that of her husband.
>
> Bradwell v. State, 83 U.S. 130 (1873).

This Nineteenth Century view has, for the most part been rejected by Twentieth Century legislators and jurists. In 1920, with the enactment of the Ninteenth Amendment, American women won the right to vote. In the area of employment discrimination, Congress enacted the Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964. In education, Congress enacted Title IX of the Educational Amendments of 1972. Likewise, Congress has prohibited discrimination on the basis of sex in public accomodations, credit and housing.(2)

The United States Supreme Court has made significant strides in eradicating sex discrimination. Woman may now serve on juries, contract, operate businesses, practice professions, own property, marry and dissolve marriages or create other

living arrangements, control to a great extent their reproductive capacities, attend public schools, have access to public and often private higher education, receive equal pay, and receive equal benefits from governmental programs.(3)

In 1975 the United States Supreme Court rejected the 1873 reasoning of Justice Bradley.

> No longer is the female destined solely for the home and the rearing of the family, and only the male for the marketplace and the world of ideas... Women's activities and responsibilities are increasing and expanding... The presence of women in business, in the professions, in government and, indeed, in all walks of life where education is a desirable, if not always a necessary antecedent, is apparent and a proper subject of judicial notice. Stanton v. Stanton, 421 U.S.7, 14-15 (1975)

Massachusetts sex discrimination laws are, in many instances, more stringent than federal laws. Although we have been unable to enact an Equal Rights Amendment on the federal level, the Massachusetts Equal Rights Amendment was added to the Massachusetts Constitution in 1976. It provides:

> Equality under the law shall not be denied or abridged because of sex, race, color, creed or national origin. Declaration of Rights, MASS. CONST. art. 1, as amended by amend. art. 106 (1976).

Mass. Gen. Laws ch. 151B prohibits sex discrimination in employment, housing and credit. Ch. 151B is more expansive than Title VII, as ch. 151B prohibits employers with six or more employees from discriminating, whereas Title VII requires that an employer have fifteen employees. Mass. Gen. Laws ch. 175 Sec. 24A prohibits sex discrimination in the issuance of insurance policies. Mass. Gen. Laws ch. 151C prohibits for the most part, sex discrimination in educational institutions,

although private and religious educations are excluded from this prohibition.

The Massachusetts Civil Rights Act, enacted in 1979, prohibits interference by threats, intimidation or coercion with rights secured by the constitution or laws of the United States and the Commonwealth.

The Supreme Judicial Court of Massachusetts has been very receptive to enforcing the rights of women, as evidenced by its sponsorship of a Gender Bias Study, to determine the extent of gender bias in the court system. Just last year, in the case of College-Town, Division of Interco, Inc. v. Massachusetts Commission Against Discrimination, 400 Mass., 156 (1987), the Supreme Judicial Court held that employers are vicariously liable for the sexually harassing conduct of their supervisory employees. The Court stated:

> A work environment pervaded by harassment or abuse, with the resulting intimidation, humiliation, and stigmatization, poses a formidable barrier to the full participation of the individual in the workplace.

And whereas the United States Supreme Court requires in many sex discrimination cases that a Plaintiff prove "intent" in order to prevail, the Massachusetts Supreme Judicial Court appears to be holding strong on permitting an "effects" test.

The Massachusetts Department of the Attorney General is committed to combatting sex discrimination, wherever it may occur. When, for instance, the United States Secretary of Health and Human Services issued regulations restricting the right of women to abortion pursuant to Title X, the Family

Planning Services and Population Research Act of 1979, Attorney General James Shannon filed suit immediately. Commonwealth of Massachusetts v. Bowen, 679 F. Supp. 137(D.Mass. 1988). The federal District Court issued a nationwide injunction prohibiting enforcement of the regulations, and concluded that the regulations were in violation of congressional intent and rights protected by the Constitution.

On an administrative level, the parenting leave provisions provided for Attorney General employees are sex neutral. A mother or a father may take up to three months of parenting leave for the birth of a child, the adoption of a child, or the placement of a foster child. As to the Supreme Judicial Court's Gender Bias Study, Attorney General James Shannon encouraged the participation of assistant attorneys general to provide the SJC with a large sample of the views of public sector attorneys concerning gender bias in the courts.

Certainly Massachusetts law, is for the most part, consistent with the terms of the Convention. It may be, however, that our federal laws fall short of complete compliance. Of most serious note is the failure of the United States to adopt the Equal Rights Amendment. Article 2 and 2(a) of the Convention require that the ratifying Parties "agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and... undertake... to embody the principle of equality of men and women in their national constitutions or other appropriate legislation." It

would be most appropriate for Congress to begin the process for enactment of the Equal Rights Amendment.

In conclusion, I urge the United States Senate to ratify the Convention on the Elimination of All Forms of Discrimination Against Women. Its principles are generally consistent with American law, and we should move forward with the international community in reaffirming our conviction to equal rights for women and men.

FOOTNOTES

(1) Guggegenheim, Malvina H. and Elizabeth f. Defeis, "United States Participation in International Agreements Providing Rights for Women," Loyola of Los Angeles Law Review, Vol. 10, 1976, at 1, 42.

(2) Heins, Marjorie, "The Marketplace and the World of Ideas: A Substitute for State Action as a Limiting Principle Under the Massachuisetts Equal Rights Amendment," Suffolk University Law Review, Vol. XVIII, No. 3, Fall, 1984, at 347, 369.
(3) Gale, Mary Ellen, "Unfinished Women: The Supreme Court and the Incomplete Transformation of Women's Rights in the United States," Whittier Law Review, Vol. 9, 1987, at 445, 448-450.

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